

## **X. RESPONSE TO COMMENTS ON 2009 DRAFT EIR**

### **A. INTRODUCTION**

This chapter of the Final EIR presents copies of all of the comment letters received on the 2009 Draft EIR. A total of 29 comment letters were received on the Draft EIR. The comment letters contained approximately 700 comments. The comment letters have been numbered and given written responses. This volume has been broken down into three sections.

- Federal, State, and Local Agency Comments and Responses
- Applicant/Agent Comments and Responses
- General Public Comments and Responses

These sections present the comment letters in their entirety. An alpha-numeric code was given to each letter to provide the reader with an easy indicator of which comment is being responded to for each letter. For example, in the letter from State Clearinghouse (SCH), the first comment is SCH-1. The identification code appears in the right margin of the letter. Each letter is directly followed by the responses for that letter, and each of the responses has the applicable code (e.g., the first SCH response is labeled SCH-1). The letters are organized chronologically within each section based on date. Section 15132 of the CEQA Guidelines states that the Final EIR shall consist of:

- a. The Draft EIR or a revision of the Draft;
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and,
- e. Any other information added by the Lead Agency.

In addition to the content requirements, the Lead Agency is required to “evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response” (CEQA Guidelines Section 15088(a)). In responding to the issues raised, the Lead Agency’s comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR (CEQA Guidelines Section 15088(c)).

#### **1. Recirculation of the 2009 Draft EIR**

The County elected to recirculate the 2009 Draft EIR in 2011. The Recirculated Draft EIR (RDEIR) included wholly revised sections for Hazards and Hazardous Materials, Noise, and Water Resources. Recirculation of the 2009 Draft EIR has resulted in two sets of comments from reviewers (refer to the second set of comments in the following section, Section XI). The County requested that reviewers of the 2011 RDEIR limit comments to the three resources sections listed above. This scenario, in which there are two sets of comments, CEQA Guidelines outline options for the County as Lead Agency in how to handle the dual set of comments. The County, in the case of this project, elected to provide notice in the 2011 RDEIR that CEQA Guidelines Section 15088.5(f)(2) would be applicable. This section reads as follows:

*When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.*

Given the guidance provided by CEQA in this scenario, the following section provides responses to comments on all portions of the 2009 DEIR not recirculated (i.e., everything except Hazards and Hazardous Materials, Noise, and Water Resources). Section XI of this FEIR provides responses to comments on the 2011 Recirculated DEIR, which covers the above three sections.

A number of questions and comments were raised by multiple commenting parties that covered non-EIR issues as well as project scope issues. Responses to these issues are provided below.

## **B. NON-EIR COMMENTS**

Many commenters voiced displeasure with the proposed project. Often these comments were combined with general statements about environmental concerns (e.g., odors, noise, water supply), usually without reference to the studies completed in the Draft EIR. The CEQA Guidelines specify the nature in which comments should be addressed regarding a Draft EIR:

*In reviewing draft EIR's, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CCR 15204(a)).*

*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence (CCR 15204(c)).*

Nevertheless, the Guidelines state that these limitations should "...not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended..." This Final EIR embraces a good-faith effort to address each comment pertaining to the analysis of impacts from the proposed project. However, other comments reviewed were more closely related to the commenter's opinion of how a vote on the approval or denial should be cast, how the project could affect the commenter's 'quality of life' and concerns over property value decrease. This section provides direction for these types of comments which are either general or nonspecific to the Draft EIR contents.

### **C. APPROVAL/DENIAL, NEED, AND CONSIDERATION OF THE PROJECT**

Consideration of the *need* for a project is not generally within the scope of an EIR, as the EIR's role is to present an impartial evaluation of the physical environmental effects of a project, should it be implemented. CEQA's requirement to consider *project objectives* is such that a reasonable range of alternatives can be determined and evaluated. In considering approval of a project, decision-makers do weigh factors such as need, economic benefits to the community (taxes, jobs, expenditures for local goods and services, and secondary economic benefits), and appropriateness at this time, in addition to the other factors and environmental consequences examined in the EIR.

As a public agency with authority over land use within its jurisdiction, the County is responsible for managing certain land use activities, planning for future land uses, and exercising its discretionary authority over development proposals. The County has an obligation to review and consider any proposal for land development which is submitted in conformance with established procedures. For the Cold Canyon Landfill Expansion Project, the Applicant submitted A Conditional Use Permit application for review in conformance with County requirements. An initial step by the County Planning and Building Department is completion of an environmental review. Another important consideration at this stage is the proposal's consistency with plans, policies, and regulations; a discussion of such consistency, as well as an evaluation of compatibility with existing land uses. A large majority of the comments submitted on the Draft EIR offered opinions on support or denial of the application. The decision-makers will consider these and other comments during deliberation on the project.

### **D. QUALITY OF LIFE**

A number of comment letters opposed to the project incorporated comments such as: "The development would affect the quality of life for residents in the Edna Valley." The EIR addresses issues of quality of life as part of the preliminary consistency analysis with County Plans and Policies. The decision makers will consider quality of life issues during deliberation on the project.

### **E. PROPERTY VALUES**

CEQA is applied to projects that cause a physical change in the environment. Economic effects alone do not trigger CEQA; "[T]here must be a physical change resulting from the project directly or indirectly before CEQA will apply." Such changes can be direct or indirect. In other words, if a proposed project may cause economic and social consequences, but no significant environmental impacts, CEQA does not require that an EIR be prepared. By themselves, however, economic and social impacts of a proposed project "shall *not* be treated as significant

effects on the environment.” (CEQA Guidelines, Section 15131(a)) The courts have specifically rejected consideration of economic concerns, for example “the economic impact on small businesses on property values” did not trigger CEQA in *City of Orange v. Valenti* (4th Dist. 1974) 37 Cal. App. 3d 240, 249 [112 Cal. Rptr. 379]. The issue of property values will be considered by the decision makers as part of the public hearing process.

## F. FEDERAL, STATE, AND LOCAL AGENCIES

The following federal, state, and local agencies have submitted comments on the January 2009 Draft EIR.

Commenter and Address	Code	Date of Letter	Page
State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit 1400 Tenth Street Sacramento, CA95812	SCH	March 3, 2009	X-6
State of California Native American Heritage Commission 915 Capitol Mall, Room 364 San Luis Obispo, CA95814	NAHC	January 20, 2009	X-9
County of San Luis Obispo General Services Agency County Parks 1087 Santa Rosa Street San Luis Obispo, CA93408	CP	February 5, 2009	X-14
County of San Luis Obispo Department of Public Works Development Services Manager County Government Center, Room 207 San Luis Obispo, CA93408	PWDS	February 24, 2009	X-16
California Integrated Waste Management Board 1001 I Street Sacramento, CA95814	CIWMB	February 27, 2009	X-18
California Regional Water Quality Control Board Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA93401	RWQCB	March 9, 2009	X-25
County of San Luis Obispo Department of Agriculture/Weights and Measures 2156 Sierra Way, Suite A San Luis Obispo, CA 93401	AG	March 9, 2009	X-31

Commenter and Address	Code	Date of Letter	Page
County of San Luis Obispo Department of Public Works Solid Waste Coordinator County Government Center, Room 207 San Luis Obispo, CA93408	PWSW	March 12, 2009	X-37
County of San Luis Obispo Air Pollution Control District 3433 Roberto Court San Luis Obispo, CA93401	APCD	March 16, 2009	X-39



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

March 3, 2009

John McKenzie  
San Luis Obispo County  
976 Osos Streetm Rm 300  
San Luis Obispo, CA 93408

MAR 6 2009  
S.L.O. CO. PLANNING DEPT

Subject: Cold Canyon Ladfill Expansion (Corral de Piedras Land Co) Conditional Use Permit/DRC2005-00170  
SCH#: 2006101173

Dear John McKenzie:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 2, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

SCH-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2006101173  
**Project Title** Cold Canyon Landfill Expansion (Corral de Piedras Land Co) Conditional Use Permit; DRG2005-00170  
**Lead Agency** San Luis Obispo County

**Type** EIR Draft EIR  
**Description** Request to expand the Landfill footprint; increase permitted tonnage limits; increase Landfill disposal capacity; expand and relocate the Resource Recovery Park, Compost Operation, and the Materials Recovery Facility; change the hours of operation; add staff; and, construct a new entrance.

**Lead Agency Contact**

**Name** John McKenzie  
**Agency** San Luis Obispo County  
**Phone** 805-781-5452 **Fax**  
**email**  
**Address** 976 Osos Streetm Rm 300  
**City** San Luis Obispo **State** CA **Zip** 93408

**Project Location**

**County** San Luis Obispo  
**City** San Luis Obispo  
**Region**  
**Lat / Long** 35° 11' 4.95" N / 120° 35' 32.08" W  
**Cross Streets** Hwy 227 and Price Canyon Rd  
**Parcel No.** 044-171-014, et al  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** 227  
**Airports**  
**Railways**  
**Waterways** Tributary to Pismo Creek  
**Schools**  
**Land Use** Public Facilities/Agriculture

**Project Issues** Air Quality; Agricultural Land; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Aesthetic/Visual; Biological Resources; Growth Inducing; Fiscal Impacts

**Reviewing Agencies** Caltrans, Division of Aeronautics; Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Air Resources Board, Major Industrial Projects; Integrated Waste Management Board; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

**Date Received** 01/15/2009 **Start of Review** 01/15/2009 **End of Review** 03/02/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Response to Letter from State Clearinghouse,  
dated March 3, 2009**

Comment No.	Response
SCH-1	No response to this comment is necessary because it only acknowledges that the EIR has complied with the State Clearinghouse review requirements.

STATE OF CALIFORNIA

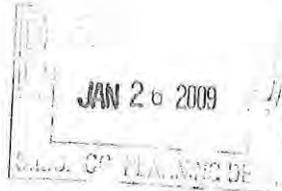
NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax

Arnold Schwarzenegger, Governor



January 20, 2009



John McKenzie  
County of San Luis Obispo  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

2006101173 KS

RE: SCH#206101173 Cold Canyon Landfill Expansion (Corral de Piedra Land Co.) Conditional Use Permit DRC2005-00170; San Luis Obispo County.

Dear Mr. McKenzie;

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

NAHC-1

NAHC-2

NAHC-3

NAHC-4

Sincerely,  
*Katy Sanchez*  
Katy Sanchez  
Program Analyst

CC: State Clearinghouse

**Native American Contact**  
San Luis Obispo County  
January 20, 2009

Beverly Salazar Folkes  
1931 Shadybrook Drive  
Thousand Oaks , CA 91362  
805 492-7255  
(805) 558-1154 - cell  
folkes9@msn.com

Chumash  
Tataviam  
Fernandefio

Judith Bomar Grindstaff  
63161 Argyle Road  
King City , CA 93930  
(831) 385-3759-home

Salinan

Santa Ynez Band of Mission Indians  
Vincent Armenta, Chairperson  
P.O. Box 517  
Santa Ynez , CA 93460  
varmenta@santaynezchumash.org  
(805) 688-7997  
(805) 686-9578 Fax

Chumash

San Luis Obispo County Chumash Council  
Chief Mark Steven Vigil  
1030 Ritchie Road  
Grover Beach , CA 93433  
cheifmvgil@fix.net  
(805) 481-2461  
(805) 474-4729 - Fax

Chumash

Julie Lynn Tumamait  
365 North Poli Ave  
Ojai , CA 93023  
jtumamait@sbcglobal.net  
(805) 646-6214

Chumash

Diane Napoleone and Associates  
Diane Napoleone  
6997 Vista del Rincon  
La Conchita , CA 93001  
dnaassociates@sbcglobal.net

Chumash

Lei Lynn Odom  
1339 24th Street  
Oceano , CA 93445  
(805) 489-5390

Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties  
John W. Burch, Traditional Chairperson  
8315 Morro Rd, #202  
Atascadero , CA 93422  
salinantribe@aol.com  
805-460-9202  
805 235-2730 Cell  
805-460-9204

Salinan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2006101173 Cold Canyon Landfill Expansion (Corral de Piedra Land Co.) Conditional Use Permit DRC2005-00170; San Luis Obispo County.

**Native American Contact**  
San Luis Obispo County  
January 20, 2009

Santa Ynez Tribal Elders Council  
Adelina Alva-Padilla, Chair Woman  
P.O. Box 365 Chumash  
Santa Ynez , CA 93460  
elders@santaynezchumash.org  
(805) 688-8446  
(805) 693-1768 FAX

Salinan Nation Cultural Preservation Association  
Robert Duckworth, Environmental Coordinator  
Drawer 2447 Salinan  
Greenfield , CA 93927  
dirobduck@thegrid.net  
(831) 385-1882  
(831) 674-5019

Randy Guzman - Folkes  
4577 Alamo Street, Unit C  
Simi Valley , CA 93063 Chumash  
ndnrandy@hotmail.com  
(805) 905-1675 - cell  
Fernandefio  
Tataviam  
Shoshone Paiute  
Yaqui

Salinan Nation Cultural Preservation Association  
Jose Freeman, President  
15200 County Road, 96B Salinan  
Woodland , CA 95695  
josefree@ccio1.com  
(530) 662-5316

Xolon Salinan Tribe  
Donna Haro  
110 Jefferson Street  
Bay Point , CA 94565 Salinan  
(925) 709-6714  
(925) 458-0341 FAX

Coastal Band of the Chumash Nation  
Janet Garcia, Chairperson  
P.O. Box 4464 Chumash  
Santa Barbara , CA 93140  
805-964-3447

Salinan Nation Cultural Preservation Association  
Doug Alger, Cultural Resources Coordinator  
PO Box 56 Salinan  
Lockwood , CA 93932  
fabbbq2000@earthlink.net  
(831) 262-9829 - cell  
(831) 385-3450

Mona Olivas Tucker  
660 Camino Del Rey Chumash  
Arroyo Grande , CA 93420  
(805) 489-1052 Home  
(805) 748-2121 Cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2006101173 Cold Canyon Landfill Expansion (Corral de Piedra Land Co.) Conditional Use Permit DRC2005-00170; San Luis Obispo County.

**Native American Contact**  
San Luis Obispo County  
January 20, 2009

Matthew Darian Goldman  
660 Camino Del Rey  
Arroyo Grande , CA 93420  
(805) 550-0461 Home

Chumash

Northern Chumash Tribal Council  
Fred Collins, Spokesperson  
67 South Street  
San Luis Obispo , CA 93401  
(805) 801-0347 (Cell)

Chumash

Santa Ynez Band of Mission Indians  
Sam Cohen, Tribal Administrator  
P.O. Box 517  
Santa Ynez , CA 93460  
(805) 688-7997  
(805) 686-9578 Fax

Chumash

Salinan Nation Cultural Preservation Association  
Gregg Castro, Administrator  
5225 Roeder Road  
San Jose , CA 95111  
glcastro@pacbell.net  
(408) 864-4115

Salinan

Salinan-Chumash Nation  
Xielolixii  
3901 Q Street, Suite 31B  
Bakersfield , CA 93301  
xielolixii@yahoo.com  
661-864-1295  
408-966-8807 - cell

Salinan  
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2006101173 Cold Canyon Landfill Expansion (Corral de Piedra Land Co.) Conditional Use Permit DRC2005-00170; San Luis Obispo County.

**Response to Letter from Native American Heritage Commission,  
dated January 20, 2009**

Comment No.	Response
NAHC-1	A record search has been performed for this project. No changes to the FEIR are required.
NAHC-2	A final report has been prepared and submitted to the Central Coast Information Center in Santa Barbara and the County of San Luis Obispo Department of Planning and Building. The Cultural Resources section of the EIR has been prepared based on the records search, Phase I survey and technical report. No changes to the FEIR are required.
NAHC-3	The Native American Heritage Commission (NAHC) was contacted. No changes to the FEIR are required.
NAHC-4	The Cultural Resources section notes the possibility that subsurface resources may exist and includes mitigation measures that require preparation of a monitoring plan, monitoring by qualified individuals during earthmoving activities, guidelines for subsurface testing if materials are found, and the type of reporting required through implementation of the monitoring plan. No changes to the FEIR are required.



County of San Luis Obispo General Services Agency

# COUNTY PARKS

Janette D. Pell, Director

Pete Jenny, Deputy Director



February 5, 2009

John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

**RE: Draft Environmental Impact Report for Cold Canyon Landfill Expansion  
Conditional Use Permit**

This letter is regarding the Draft Environmental Impact Report for the Cold Canyon Landfill Expansion Conditional Use Permit dated January 15, 2009. San Luis Obispo County Parks has reviewed the document.

Upon landfill closure and reversion to open space, County parks may be interested in Park and Recreation opportunities on the site.

CP-1

Thank you for the opportunity to comment.

Sincerely,

Shaun Cooper  
Park Planner



**Response to Letter from County of San Luis Obispo  
General Services Agency County Parks,  
dated February 5, 2009**

Comment No.	Response
CP-1	No response is needed to the comment. The option expressed in this comment should be presented to the County decision makers during the hearing on the project.



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

**Date:** February 24, 2009  
**TO:** John McKenzie, Project Manager  
**FROM:** Glenn Marshall, Development Services Manager *GM*  
**SUBJECT:** Draft EIR – Cold Canyon Landfill Expansion, DRC05-00170

Thank you for the opportunity to review the subject report. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

- 1. Any work which will occur in Caltrans' right-of-way will be subject to an encroachment permit from that agency. As such, the design of this new entrance will need to fully comply with their design requirements, or receive approval of a Design Exception. The project applicant should ascertain Caltrans' approval of this layout before completion of the environmental review process, because if Caltrans will not approve that location, it could have significant impact to the on-site design or the project proponent may incur significant costs associated with road construction needed to achieve Caltrans requirements.
- 2. Widening of State Route 227 would impact Canada Verde Creek (see FIRM Panel 06079C1362F) and would occur within the 100-year flood elevation. As per Item 1, above, the EIR should adequately define the potential limits of disturbance for constructing offsite improvements, then prepare an environmental analysis of those impacts to facilitate securing future Caltrans encroachment permits, Army Corp Permits, Fish & Game Permits, RWQCB permits and other regulatory agency permits.
- 3. EIR should address potential impacts to adjacent properties as a result of failure/overlapping of the proposed detention basin and/or compost runoff pond. It is unclear what the purpose of the proposed basins are at this time however basins must meet at a minimum the County Public Works Improvement Standards for design. A comprehensive drainage plan for the entire site will be required at the time of construction.
- 4. TC/mm-1: The Department of Public Works does require verification that the proposed improvements meet or exceed Caltrans requirements. Caltrans will be regulating the extent of improvements based on their standards and encroachment permit provisions. In general, the mitigation should be completely rewritten to specifically state what improvements are required and at what point they need to be operational to fully mitigate the traffic impacts. The mitigation should also include abandonment and scarification of the existing driveway. Note that construction timing of these improvements is directly dependant upon the extent of environmental analysis required by Caltrans (and other regulatory agencies) prior to issuing the encroachment permit. The EIR should address these impacts to minimize future environmental work, both costs and time.

PWDS-1

PWDS-2

PWDS-3

PWDS-4

Please call 781-1596, or write the above address, if I may be of further assistance.

**Response to Letter from County of San Luis Obispo  
Department of Public Works Development Services Manager,  
dated February 24, 2009**

Comment No.	Response
PWDS-1	This comment states that any work implemented within the Caltrans right-of-way will need an encroachment permit from Caltrans. Caltrans was contacted by Larry Hail, the Traffic Engineer who prepared the traffic report for this DEIR. The preliminary design provided by the applicant appears to meet Caltrans standards. Significant changes to the proposed entrance are not anticipated. Impacts to biological resources that may result from the improvement have been identified in Section V.D., Biological Resources, of the FEIR. No changes to the FEIR are required.
PWDS-2	This comment states that the EIR should identify the potential limits of disturbance for constructing the off-site improvements associated with the widening of State Route 227. The potential impacts associated with the new entrance alignment have been characterized in the FEIR. Permit requirements have also been identified. Prior to construction the applicant will have to receive the appropriate permits from the agencies listed (e.g., Caltrans). Subsequent to project approval, the applicant will be required by Caltrans to prepare a site-specific design and engineering drawings for any off-site improvements (left turn channelization). Based on this design, Caltrans will determine the extent of the off-site limits of disturbance and will determine if there is a need for any further environmental analysis or resource agency permits. No changes to the FEIR are required.
PWDS-3	This comment states that the EIR should address potential impacts associated with failure/overlapping of detention basins on surrounding properties and asks the reason for the basins. The basins would be necessary to accommodate stormwater runoff. There are numerous mitigation measures recommended in Section V.G., Geology and Soils of the FEIR that address the concerns raised in the comment (e.g., detention basins improvement plans shall be reviewed by a soils engineer [GEO/mm-1], the project SWPPP shall address pond runoff water quality [GEO/mm-2], and the slope stability analysis shall address the basins [GEO/mm-8]). No changes to the FEIR are required.
PWDS-4	This comment states that roadway and entrance requirements shall meet or exceed Caltrans requirements and that County Public Works will verify whether this is the case. The existing driveway would be restored as part of the proposed project. The EIR includes a discussion of potential biological resource impacts associated with the offsite improvements as well as mitigation measures – to the extent that information is available. It is not expected that the Caltrans process would require significant additional analysis over what has been provided in the EIR. No changes to the FEIR are required.



LINDA S. ADAMS  
SECRETARY FOR ENVIRONMENTAL  
PROTECTION



ARNOLD SCHWARZENEGGER  
GOVERNOR

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN  
CHAIR  
MBROWN@CIWMB.CA.GOV  
(916) 341-6051

SHEILA JAMES KUEHL  
SKUEHL@CIWMB.CA.GOV  
(916) 341-6039

JOHN LAIRD  
JLAIRD@CIWMB.CA.GOV  
(916) 341-6010

CAROLE MIGDEN  
CMIGDEN@CIWMB.CA.GOV  
(916) 341-6024

ROSALIE MULE  
RMULE@CIWMB.CA.GOV  
(916) 341-6016

GARY PETERSEN  
GPETERSEN@CIWMB.CA.GOV  
(916) 341-6035



February 27, 2009

Mr. John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning & Building  
976 Osos St, Room 200  
San Luis Obispo, CA 93408-2040

*Clear  
3.2.09  
e*



**Subject:** SCH No. 2006101173 – Draft Environmental Impact Report for the Cold Canyon Landfill Expansion, Solid Waste Facilities Permit (SWFP) No. 40-AA-0004, San Luis Obispo County

Dear Mr. McKenzie:

Thank you for providing the California Integrated Waste Management Board's (Board) staff opportunity to comment on the proposed project, and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process. Board staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the Board's project description varies substantially from the project as understood by the Lead Agency, Board staff requests incorporation of any significant differences in the Final Environmental Impact Report.

CIWMB-1

### Project Description

The County of San Luis Obispo, Department of Planning and Building, Environmental Division, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report proposing to:

- Expand the landfill footprint from 121 acres to 209 acres
- Expand the disposal area from 88 acres to 134 acres
- Increase the total allowable tonnage from 1200 tons per day to 2500 tons per day
- Expand and modify the Compost Operations
- Expand the Materials Recovery Facility

ORIGINAL PRINTED ON 100% POST-CONSUMER CONTENT, PROCESSED CHLORINE FREE PAPER

DEIR Cold Canyon Landfill

February 27, 2009

- Construct a new scale house, adding additional scales and a new entrance
- Increase the operating hours for the Resource Recovery Park, Compost Operations and Materials Recovery Facility to be more consistent with the Landfill operating hours
- Increase staffing levels from 79 to 120 employees
- Adding a second shift at the Materials Recovery Facility
- Relocate fuel tanks, improve landscaping and replace the equipment maintenance building.
- Consolidate all activities under a single Solid Waste Facilities Permit

The composting operations will be modified/changed to include the following:

- Adding food waste and natural fibers as feedstock
- Adding water treatment sludge and wastewater treatment biosolids to the greenwaste (up to 100 tons per month) as feedstock
- Adding in bag, in-vessel and aerated static pile composting
- Moving and expanding the composting operation on the Landfill's inactive top deck
- Retail compost sales to the public

These increases are not resulting from any changes to the landfill service area. All landfill operations will be covered under a single Solid Waste Facilities Permit.

Entitlements for Cold Canyon Landfill  
Current and Proposed

	Current Entitlements Disposal Site 2002 SWFP	Proposed Entitlement
Days of Operation	7 days per week	7 days per week
Receipt of Waste Public Hours	8:00 am – 3:00 pm	7:00 am – 5:00 pm
Franchise/Contract Haulers	7:00 am – 4:30 pm	7:00 am - 5:00 pm
Facility Operating Hours and Ancillary Operation	6:30 am – 5:30 pm	7:00 am – 10:00 pm
Peak Permitted Tonnage Disposal	1200 <sup>1</sup>	2500 <sup>2</sup> 1200
Resource Recovery Park		450
Compost Operation		450
MRF		400
Design Capacity	10.9 million cubic yards	24 million cubic yards
Peak Permitted Traffic	542 vehicles per day	430 vehicles per day <sup>5</sup>
Total Permitted Area	121 acres	209 acres
Disposal Footprint	88 acres	134 acres
Resource Recovery Park	2 acres	4 acres <sup>3</sup>
Compost Operation	12 acres	23 acres <sup>4</sup>
Transfer/Processing	1.26 acres	1.9 acres
Estimated Closure Year	2012	2040
Peak Elevation	490 feet above mean sea level	No Change

CIWMB-1  
(cont'd)

- 2 -

\\ciwmb\iwm\CEQA\2009 CEQA DOCS\COUNTIES\San Luis Obispo-40\Comment Letters\DEIR Cold Canyon Landfill 40-AA-0004 2-27.doc

DEIR Cold Canyon Landfill

February 27, 2009

1. Not to exceed 296,115 tons per year
2. Total tonnage of all operations proposed under a new or revised Solid Waste Facilities Permit
3. The Resource Recovery Park is being re-located within the site.
4. Located above waste within the disposal footprint
5. Vehicle round trips

CIWMB-1  
(cont'd)

There were seven areas where impacts were considered significant; two of these areas, Aesthetic and Water Resources where impacts were cumulative.

- Aesthetics – Significant and unavoidable impacts as well as significant and unavoidable **cumulative** impacts
- Agricultural Resources – Significant and unavoidable impacts resulting from conversion of potentially productive soils, loss of ground water resources and agricultural incompatibilities
- Air Quality (odor) – Significant and unavoidable impacts due to the nature of the material being handled
- Climate Change/Greenhouse Gas Emissions – Significant and unavoidable impacts
- Hazards and Hazardous Materials – Significant and unavoidable impacts
- Noise – Significant and unavoidable impacts
- Water Resources – Significant and unavoidable **cumulative** impacts

#### BOARD STAFF'S COMMENTS

For clarity and convenience, questions and comments that Board staff especially wants to bring to your attention and may be seeking specific responses to will be *italicized* so the reader can more easily locate them. Board staff will also make statements, which, in our opinion are fact, if these statements are incorrect or unclear please notify Board staff. The proponent or operator of a proposed project is not given tacit approval of an action or activity by that action or activity not being specifically prohibited in the environmental document.

#### Conflicting Information

The hours noted in the EIR as permit entitlements for the landfill ancillary hours are actually the operating hours for the separately permitted compost facility operating under Solid Waste Facilities Permit No. 40-AA-0017. *It is the Board staffs' understanding that the project will result in the two permits being combined into one permit for the compost/landfill/resource recovery activities, all operating the same hours.*

CIWMB-2

The currently allowed tonnage received per day is not consistent between the Environmental Impact Report and 2002 Solid Waste Facilities Permit. The current permit allows for a maximum amount of materials disposed of 1200 tons per day. *Even when adding the allowed tonnage under Solid Waste Facilities Permit No. 40-AA-0017 (300 tons per day) the maximum amount of material allowed would be 1,500 tons per day, not 1,620 tons per day as stated in the Environmental Impact Report.*

CIWMB-3

DEIR Cold Canyon Landfill

February 27, 2009

**Questions**

*Are the breakdowns of material amounts destined for the various handling areas intended to be the peaks for those handling activities, or is the intention to allow any combination of materials as long as the daily total of material through the gate does not exceed 2500 tons per day?*

CIWMB-4

The Table III-3 (pg. III-24) indicates a total of 450 tons per day are destined for the Resource Recovery Park. Text on page III-25 indicates 350 tons per day of construction and demolition material will be processed at the Resource Recovery Park. *The 350 tons per day of C&D material is understood to be part of the 450 tons per day, not in addition to. If this is in error, please clarify.*

CIWMB-5

The current Solid Waste Facilities Permit indicates a final elevation of 490 feet above mean sea level and the Environmental Impact Report states there will be no change to the currently permitted 500 feet above mean sea level. *Is 500 feet the proposed elevation with final cover materials or is 490 feet the maximum?*

CIWMB-6

The traffic analysis resulted in a lower vehicle count than the current permit allows, yet the amount of incoming material analyzed is increasing. *For clarification, is the number 430 round trips/860 one way trips, the intended limit?*

CIWMB-7

**Statement of Overriding Considerations**

Significant impacts after mitigation and or unavoidable significant impacts to the environment have been identified in the area of Aesthetics, Agricultural Resources, Air Quality (odor), Climate Change/Greenhouse Gas Emissions, Hazards and Hazardous Materials and Noise and cumulative impacts to Aesthetics and Water Resources. *Please forward the Statement of Overriding Considerations to the Board prior to adoption by the approving agency.*

CIWMB-8

**CONCLUSION**

The Board staff thanks the Lead Agency for the opportunity to review and comment on this Draft Environmental Impact Report and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CIWMB-9

The Board staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Consideration, copies of public notices, and any Notices of Determination for this project.

Please refer to Title 14 California Code of Regulations, Section 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."

DEIR Cold Canyon Landfill

February 27, 2009

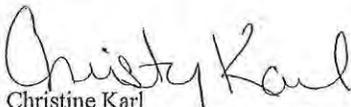
The Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Environmental Impact Report. Refer to Public Resource Code, Section 21092.5(a).

CIWMB-9  
(cont'd)

If the document is certified during a public hearing, Board staff request ten days advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6405 or e-mail me at [ckarl@ciwmb.ca.gov](mailto:ckarl@ciwmb.ca.gov).

Sincerely,



Christine Karl  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 3  
California Integrated Waste Management Board

cc: David Otsubo, Supervisor  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting, Region 3  
California Integrated Waste Management Board

Susan Markie, Branch Manager  
Waste Compliance and Mitigation Program  
Permitting and LEA Support Division  
South Branch Permitting  
California Integrated Waste Management

**Response to Letter from California Integrated Waste Management Board,  
dated February 27, 2009**

Comment No.	Response
CIWMB-1	No response to this comment is necessary since it only acknowledges that the EIR has been reviewed by the California Integrated Waste Management Board (CIWMB), summarizes the project as proposed in the 2009 DEIR, and requests that any deficiencies in the DEIR be incorporated in the FEIR.
CIWMB-2	The assertion made by CIWMB regarding the County permitting process is correct. The required County of San Luis Obispo Conditional Use Permit (CUP) would govern all components of the Proposed Project. With respect to the future County CUP, in September 2010, the Landfill temporarily stopped compost activities using windrow technology but continue to process (chip/grind) green waste and wood waste. This product is used as ADC for the working face of the landfill, or hauled to an out-of-county facility. As of December 2011, the Landfill requested that their Project (as evaluated in this FEIR) be amended to permanently eliminate the compost operation (using windrow technology) from future consideration. Green waste and wood waste processing would remain part of the Proposed Project. Because the land use permit issued for this proposed project would not now include a compost operation (i.e., windrow or other form of composting technology), the applicant, should they elect to establish a composting operation at the Landfill at some point in the future, would be required to apply for an additional and separate land use permit. Consideration of such an additional land use permit would likely require an additional CEQA determination (and additional public review) prior to final approval. The applicant would not be able to re-initiate a compost operation on the project site through use of the previous land use permit issued for the open windrow compost operation. The proposed hours of operation for all aspects of the operation are included in Table III-4, of Chapter III, Project Description, of the EIR. All components of the facility would operate during the same hours (7:00 a.m. to 5:00 p.m.) with the exception of the MRF which would operate from 7:00 a.m. to 10 p.m. No changes to the FEIR are required.
CIWMB-3	This comment states that currently allowed tonnage received per day is not consistent between the DEIR and the Solid Waste Facilities Permit (SWFP). The commenter is correct. The 120 additional tons noted for the MRF are not separately permitted, but rather a part of the 1,200 tons allowed by the County land use permit and the SWFP No. 40-AA-0004. However it has not affected the analysis. No changes to the FEIR are necessary.
CIWMB-4	The commenter asks if material amounts destined for various handling areas are intended to be peak quantities. The proposed tons per day (TPD) noted in Table III-3, of Section III, Project Description, are intended to be maximum amounts per handling activity. The permit would not allow for any combination of those TPD that would equal 2,050 TPD. No changes to the FEIR are necessary.
CIWMB-5	The commenter questions whether the 350 TPD of construction and demolition material is included as part of the Resources Recovery Park (RRP) total of 450 TPD. The commenter is correct, the 350 is part of the 450 and not in addition to the 450. No changes to the FEIR are necessary.
CIWMB-6	The highest contour line shown in the 1991 EIR is 490 feet. However, the County assumed that the top deck would not be perfectly flat and that some additional elevation would be necessary to minimize ponding water on the surface. 500 feet is the potential maximum height of the disposal area. However, recommended noise mitigation would require berms on portions of the top deck,

Comment No.	Response
	effectively raising the actual height to approximately 510 feet in some locations. No changes to the FEIR are necessary.
CIWMB-7	<p>This comment asks if 430 round trips/860 one-way trips is the intended limit for the proposed expansion. The trip limit for the existing project is 542 round trips/1,084 one-way trips. The existing project has a ton per day (TPD) maximum of 1,620. Based on Landfill operation records through 2006 provided by the applicant, the Landfill had an average daily trip (ADT) of 330 for weekdays (i.e., Monday through Friday), the busiest portion of the week. Saturday and Sunday rates were lower with an average 250 ADT and 178 ADT respectively.</p> <p>Records show that the average weekday tonnage accepted by the Landfill was 913 TPD (or 56% of 1,620 TPD). By dividing average weekday tonnage received (913 TPD) by the average number of vehicles (330), 2.77 tons per trip/vehicle is generated. For the purposes of this EIR, it was assumed that applying 56% of the proposed maximum capacity of 2,050 TPD (as has historically been the case during the busiest portion of the week) to the "ton per trip/vehicle method would represent a reasonable case traffic scenario. In doing so, 414 round trips/824 one-way trips are calculated. This number likely represents an appropriate limit for the proposed expansion permit. Refer to Section V.J., Transportation and Circulation for revisions to the FEIR.</p>
CIWMB-8	No response to this comment is necessary as it is a request by the CIWMB to receive the Statement of Overriding Considerations prepared by the County of San Luis Obispo prior to adoption by the approving agency.
CIWMB-9	No response to this comment is required as it consists of the CIWMB thanking the County for the opportunity to review the DEIR, requests copies of any subsequent environmental documentation, and file a notice of determination with the State Clearinghouse.



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
(805) 549-3147 • Fax (805) 543-0397  
<http://www.waterboards.ca.gov/centralcoast>



Arnold Schwarzenegger  
Governor

March 9, 2009

Mr. John McKenzie  
San Luis Obispo County  
Department of Planning and Building  
Environmental Division  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408



Dear Mr. McKenzie:

**LAND DISPOSAL PROGRAM: COLD CANYON CLASS III LANDFILL, SAN LUIS OBISPO COUNTY – DRAFT EIR FOR THE COLD CANYON LANDFILL EXPANSION, SCH # 2006101173**

Thank you for the opportunity to comment on the County of San Luis Obispo's (County) *Draft Environmental Impact Report for the Cold Canyon Landfill Expansion (Draft EIR)*. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Since our mission is to preserve and enhance the quality of California's water resources, and efficient use for the benefit of present and future generations, our review is focused on potential impacts to water quality and related sections such as geology and seismic hazards. This letter includes comments on the Draft EIR regarding regulatory requirements for the expansion and operation of the Cold Canyon Landfill (Landfill), and general stormwater and low impact development considerations.

Our comments are submitted in compliance with *State CEQA Guidelines* §15096, which requires CEQA responsible agencies to specify the scope and content of the environmental information germane to their statutory responsibilities, and lead agencies to include that information in their EIR for the project. The State Water Resources Control Board (State Board) and the Central Coast Water Board regulate discharges which could affect the quality of water of the state in order to protect the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use.

### Regulatory Requirements

The Landfill is currently regulated by the Central Coast Water Board through Waste Discharge Requirements Order No. R3-2002-0065 and the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activities. The proposed project requires the following:

RWQCB-1

*California Environmental Protection Agency*

Recycled Paper

Mr. John McKenzie

- 2 -

March 9, 2009

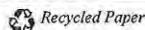
1. **Revised Waste Discharge Requirements.** The Landfill must submit a Report of Waste Discharge/Joint Technical Document (ROWD/JTD) to the Central Coast Water Board a minimum of six months in advance of proposed Landfill expansion. Please note Central Coast Water Board staff cannot initiate work to develop and adopt revised Waste Discharge Requirements without the County certifying a Final EIR.
2. **Updated Stormwater Pollution Prevention Plan (SWPPP).** The Landfill must update their Stormwater Pollution Prevention Plan as required by the General Industrial Stormwater Permit to account for the Landfill expansion and resulting operational changes.
3. **General Construction Stormwater Permit.** The Landfill must enroll in the General Construction Stormwater Permit, and develop a SWPPP specifically for construction activities as related to the proposed project.
4. **401 Water Quality Certification.** If the expansion project requires a 404 permit from the U.S. Army Corps of Engineers due to potential impacts to water bodies, a 401 Water Quality Certification from the Central Coast Water Board and a Streambed Alteration Agreement from California Department of Fish and Game will also be necessary.

RWQCB-1  
(cont'd)Central Coast Water Board Staff Comments

1. **Future Liner Design.** The Draft EIR describes module liner design on page III-9. Please note, the Landfill's existing Waste Discharge Requirements Order No. R3-2002-0065 require that waste be discharged to modules with a composite liner consisting of: a well prepared subgrade, a minimum two-foot layer of compacted soil with a hydraulic conductivity of  $1 \times 10^{-7}$  cm/sec, and a minimum 60-mil high-density polyethylene (HDPE). The Central Coast Water Board's Executive Officer can approve an engineered alternative liner design if it meets 40 CFR Section 258.40(a)(1) and (c), and CCR Title 27 Section 20080(b); however, an engineered alternative liner design for modules within the proposed expansion area has not been approved.
2. **Composting.** Wastewater and runoff from composting operations can contain elevated concentrations of total dissolved solids, and nutrients, which have the potential to impact both surface water and groundwater. The State Water Resources Control Board is currently working with the California Integrated Waste Management Board to develop a consistent regulatory approach towards composting operations that addresses environmental concerns and takes into account the benefits of composting. Historically the Landfill's composting operation has been regulated by the Central Coast Water Board through the General Industrial Stormwater Permit, which requires Best Management Practices to reduce impacts to stormwater. Central Coast Water Board staff recommend that the expansion of the Landfill include design components capable of adapting to possible future requirements. For example, the Landfill should design the composting pond described by the Draft EIR to prevent percolation of pollutants to groundwater (e.g., lined pond) and to only collect runoff from composting operations (e.g., run on from upgradient watershed areas

RWQCB-2

RWQCB-3

California Environmental Protection Agency

Mr. John McKenzie

- 3 -

March 9, 2009

should bypass the composting pond). Additionally all composting operations should occur over a relatively impermeable surface (asphalt, heavily compacted pad with an appropriate wear layer, etc.) that is designed to drain to the composting pond.

RWQCB-3  
(cont'd)

3. **Vehicle Mud Tracking.** During wet-weather, landfills often have problems with vehicles picking up and tracking sediment offsite. Central Coast Water Board staff recommend that the Landfill expansion incorporate vehicle tire wash equipment as a best management practice.

RWQCB-4

4. **Incremental Closure.** The Draft EIR should discuss how proposed expansion affects the incremental closure of existing modules.

RWQCB-5

#### General Comments on Stormwater and Low Impact Development Considerations

The Cold Canyon Landfill Expansion is subject to the County of San Luis Obispo's NPDES Phase 2 Municipal Stormwater Permit (Permit). The Permit requires new development to reduce runoff volume and pollutant load to the Maximum Extent Practicable (MEP). In most cases, MEP standards are not met by conventional site layouts, construction methods, and stormwater conveyance systems with "end of pipe" basins and treatment systems that do not address the changes in volume and rates of stormwater runoff and urban pollutants (including thermal pollution). Low Impact Development (LID) practices meet the MEP standard and are more effective at reducing pollutants in stormwater runoff at a practicable cost.

RWQCB-6

LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. The objective is to disperse LID devices uniformly across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal and control the release of stormwater into adjacent waterways (Anne Guillette, Whole Building Design Guide). For further information, please see: <http://www.epa.gov/owow/nps/lid/>, or <http://www.lowimpactdevelopment.org/>.

RWQCB-7

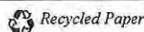
#### Eight Common LID Practices Include:

1. Reduced and Disconnected Impervious Surfaces
2. Native Vegetation Preservation
3. Bioretention
4. Tree Boxes to Capture and Infiltrate Street Runoff
5. Vegetated Swales, Buffers, and Strips
6. Roof Leader Flows Directed to Planter Boxes and Other Vegetated Areas
7. Permeable Pavement
8. Soil Amendments to Increase Infiltration Rates

Central Coast Water Board staff considers a project that meets the following descriptions (inclusive) to be a "LID" project:

RWQCB-8

California Environmental Protection Agency



Mr. John McKenzie

- 4 -

March 9, 2009

- A. Runoff Volume Control.** The pre-development stormwater runoff volume is maintained by a combination of minimizing the site disturbance, and providing distributed retention best management practices (BMPs). Retention BMPs are structures that retain the excess (above pre-development project volumes) runoff resulting from the development
- B. Peak Runoff Rate Control.** LID practices maintain the pre-development peak runoff discharge rate. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site, to control runoff volume. If retention practices are not sufficient to control the peak runoff rate, detention practices may be added.
- C. Flow Frequency Duration Control.** Since LID emulates the pre-development hydrologic regime through volume and peak runoff rate controls, the flow frequency and duration of post-development conditions must be identical (to the greatest extent possible) to those of pre-development conditions. Maintaining pre-development hydrologic conditions will minimize or eliminate potential impacts on downstream habitat due to erosion and sedimentation.

RWQCB-8  
(cont'd)

Although LID may be inappropriate for some areas of the Landfill, LID should be incorporated into the proposed project to the maximum extent possible. We therefore recommend you require LID design techniques for the proposed project in areas that will not result in infiltration of stormwater or result in mobilization of Landfill related wastes (e.g., leachate, landfill gas). LID or equivalent methods are necessary to mitigate stormwater runoff pollution and stream erosion and sedimentation impacts that result from significantly increased downstream flows due to introduced impermeable surfaces.

RWQCB-9

If you have any questions, please contact **Martin Fletcher by phone at (805) 549-3694** or by email at [mfletcher@waterboards.ca.gov](mailto:mfletcher@waterboards.ca.gov) or Thea Tryon at (805) 542-4776.

Sincerely,



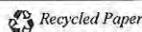
 Roger W. Briggs  
Executive Officer

cc: (via email)

- Ms. Leslie Graves (State Water Resources Control Board)
- Mr. Bruce Rizzoli (Cold Canyon Landfill)
- Mr. Jeff Hackett (California Integrated Waste Management Board)

S:\Land Disposal\Land Disposal Facilities\PERMITTED SITES\Cold Canyon\LETTERS\Comment Letter, Draft EIR for the Cold Canyon LF Expansion, MAR-09.doc

*California Environmental Protection Agency*



**Response to Letter from California Regional Water Quality Control Board  
Central Coast Region,  
dated March 9, 2009**

Comment No.	Response
RWQCB-1	The revised and recirculated Section V.K., Water Resources, includes a discussion of WDRs. Mitigation measure GEO/mm-2 recognizes that the applicant will need to comply with NPDES requirements. GEO/mm-2 in the FEIR has been amended to indicate that an updated SWPPP is required. GEO/mm-2 has been modified to reflect that both a General Construction SWPPP and a General Industrial SWPPP are required and will need to be updated prior to issuance of the Notice to Proceed. Section V.D., Biological Resources, of the EIR recognizes that Section 401 and 404, and a Streambed Alteration Agreement will be required.
RWQCB-2	No response to this comment is required as it provides confirmation that the RWQCB executive officer can approve alternative module liners if they meet 40 CFR Section 258.40(a)(1) and (c), and CCR Title 27 Section 20080(b).
RWQCB-3	This comment provides information regarding wastewater and runoff pertaining to compost operations. In September 2010, the Landfill temporarily stopped compost activities using windrow technology. Green waste and wood waste continued to be processed (chipped/ground) either being used as ADC for the working face of the landfill, or being hauled to another out-of-county facility. As of December 2011, the Landfill requested that their Project (as evaluated in this FEIR) be amended to permanently eliminate the Compost operation (using windrow technology) from future consideration. Green waste and wood waste processing would remain part of the Proposed Project. The detention basin, formerly designated as a compost runoff collection pond, would remain as part of the project. However, because the compost operation has been eliminated it does not need to be designed to the standards identified in this comment unless otherwise specified by the RWQCB (e.g., if the RWQCB requests specific requirements due to the nearby processing of wood waste). No changes to the FEIR or to existing mitigation measures are necessary.
RWQCB-4	This comment pertains to vehicle mud tracking during wet weather. In response, GEO/mm-2 has been amended to include a requirement that vehicle tire wash be included in the SWPPP(s).
RWQCB-5	This comment addresses how the proposed expansion will affect incremental closure of modules. The applicant states that incremental closure of modules will occur as the proposed module development allows. No changes to the FEIR are necessary.
RWQCB-6	No response to this comment is required as it summarizes the RWQCB's and the County's permit requirements for facilities such as Cold Canyon for such issues as runoff volume, pollutant loads, and the applicability of Low Impact Development (LID) practices.
RWQCB-7	No response to this comment is required as it summarizes the RWQCB's LID practices as well as their practicability for facilities such as Cold Canyon.
RWQCB-8	This comment outlines the factors that go into considering a project a LID project. The proposed project would include protection and enhancement of the existing drainage swale onsite. Impervious surfaces are limited to the southeastern corner of the site. The proposed expansion would be subject to a RWQCB permit and at such time the RWQCB may require the implementation of various LID practices. In addition GEO/mm-2 has been revised to include implementation of LID practices and the County will require the applicant to implement LID measures consistent with the interim LID requirements or the most recent and applicable LID requirements as a condition of

Comment No.	Response
	approval.
RWQCB-9	This comment recommends implementation of LID design techniques. Refer to RWQCB-8 above which address this request.



COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Weights and Measures**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035  
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

**DATE:** March 9, 2009  
**TO:** John McKenzie, Project Manager  
**FROM:** Michael Isensee, Agriculture Department *MI*  
**SUBJECT:** Cold Canyon (Corral de Piedra Land Co) Conditional Use Permit,  
DRC2005-00170 (Ag#1136)

The Agriculture Department generally supports the conclusions made in the Draft Environmental Impact Report (DEIR), specifically that increased water consumption associated with the proposed expansion of the landfill expansion represents a potentially significant impact to existing and future agricultural operations utilizing the same water resource (AG Impact 1, Ag Impact 2, WR Impact 3). In addition, the conversion of the property to a non-agricultural use does not appear consistent with the County's General Plan. As noted in the Agriculture Element, the conversion of agricultural land has the potential to seriously erode the long-term protection of agricultural resources. Clear findings rationalizing the conversion of Agriculture-designated land in this instance is necessary to avoid establishing a precedent for conversion of other agricultural site with limited groundwater resources.

AG-1

Regarding potentially significant impacts and associated mitigations, the Department could not locate any analysis of whether the landfill expansion will:

AG-2

- Expand impervious surfaces to such a degree so as to substantially interfere with groundwater recharge.

The Department also recommends certain changes or additions to proposed mitigation, specifically:

AG-3

- Ensure that water is retained, not simply detained, on the project site and later put to beneficial reuse in order to offset groundwater impacts.
- Address the potential for secondary impacts associated with new groundwater extraction associated with the project, specifically water use associated with dust mitigation requirements.

AG-4

See the attached report for details for further information.

Agriculture Department comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture. If you have questions, please call me at 781-5753.

Cold Canyon Landfill Expansion DEIR  
County Agriculture Department #1136

March 2009  
Page 2 of 3

### Background

The proposed project will expand an existing 121 acre landfill located in the Public Facilities and Agriculture land use categories onto an additional 88 acres of land in the Agriculture land use category. The project is on the north side of Highway 227 at 2268 Carpenter Canyon Road approximately five miles south of the City of San Luis Obispo. The project will convert the land to non-agricultural use. The expansion could also result in the utilization of limited groundwater supplies for non-agricultural use, reduce groundwater recharge, and create incompatibilities with adjoining agricultural operations if not adequately mitigated.

AG-5

### Project Review

When considering the listed thresholds of significance found in the DEIR, it appears the document lacks adequate discussion related to the following identified thresholds:

AG-6

#### B. Agriculture (p V-63)

- conflict with existing zoning for commercial agricultural use
- conflict with any local...policies...protecting agricultural resources

#### K. Water Resources (p V-240)

- interferes substantially with groundwater recharge

The document correctly identifies that the use of groundwater for non-agricultural purposes is inconsistent with county policy, specifically Agriculture Policy 11.

AG-7

Parcels that are not otherwise considered to be sustainable agricultural parcels are able to still support limited agricultural use and also assist in maintaining a land use pattern which serves to protect agricultural uses in rural areas. Conserving the land, soil and water resources in agricultural areas is critical to maintaining the long-term productivity of the county's agricultural industry.

AG-8

### Ag Impact 1

The Department supports the proposed mitigation for Ag Impact 1 (p V-65). However, the process of collecting and beneficially utilizing runoff would be with the creation *retention* basins that are adequately sized to store sufficient water for dry-season use. *Detention* basins do not retain water and would appear to offer little or no mitigation value for groundwater utilization, since groundwater use occurs during the dry season when dust control and compost irrigation needs are highest. Adequate mitigation would specify that the site will retain and beneficially reuse an equivalent amount of water so the expansion results in no net increase in groundwater utilization.

AG-9

### Ag Impact 2

Compatibility issues are generally accurately reflected with the exception of the comments below.

AG-10

#### *Dust*

Aside from potential human health impacts associated with dust, the two most prevalent agricultural impacts of dust is to create conditions favorable to increased pest populations and to decrease crop productivity. Only the latter is mentioned in the DEIR. While dust mitigation is important to protect neighboring croplands, mitigation measures associated with dust control (AG/mm 2 and 3) each appears to have potential secondary impacts to agriculture due to the mitigation measures' reliance on water for dust-control.

N:\Mike Land Use Files\Development Review & EIR\Non ag uses\Waste Connections-Corral de Piedra CUP\Ag Dept #1136 DEIR.doc

Cold Canyon Landfill Expansion DEIR  
County Agriculture Department #1136

March 2009  
Page 3 of 3

#### *Lights*

The reference to lighting and AES/mm-13 appears incorrect (p V-66). The appropriate mitigation measure for lighting is AES/mm-12.

AG-11

#### *Noise*

As noted, noise can have adverse impacts to horses, cattle and other livestock. However, the relatively steady and frequent noise associated with traffic to and from the facility and equipment at the facility is unlikely to impact livestock, which are primarily impacted due to impulse or other startling, infrequent noises. The timing of the noise is generally less relevant to livestock than humans. Most livestock sleep for brief periods (10-15 minutes) throughout the day and night. Therefore, NS/mm-1 (earthen berm) does not appear to offer any agricultural mitigation value.

AG-12

#### **Water**

The DEIR water assessment does not appear to evaluate whether the landfill expansion will expand impervious surfaces to such a degree so as to substantially interfere with groundwater recharge, a threshold of significance listed (p V-240). However, the document notes that the project will result in creating an impervious surface over nearly 12 percent of the hydrogeologic study area. The analysis assumes a 23 acre-foot annual reduction in annual groundwater recharge associated with implementation of the project, but does not determine whether such a reduction is significant in light of the resource.

AG-13

A reduction in recharge in such a water limited basin would appear to be a significant impact to the groundwater basin and the utilization of agricultural resources. Reduced groundwater recharge is effectively equivalent to direct groundwater withdrawals. Appropriate mitigation would be similar to that found in WR/mm-4. On-site retention should be sufficient to be equal to the groundwater recharge reduction (plus evaporation), and should be beneficially utilized on site to offset this lost recharge.

AG-14

Finally, the Department would recommend an additional mitigation measures to reduce, to the extent feasible, the potential impacts associated with landfill expansion-related water withdrawals on neighboring agricultural water use. Specifically, the Department recommends:

AG-15

- Any new well development or replacement shall avoid off-site reductions in groundwater availability. To address this potential secondary impact associated with WW/mm-2 (new water supply), new well development should be set back an adequate distance to avoid groundwater drawdown off the project site. If necessary, such a measure may require the installation of additional groundwater monitoring wells and an adaptive water management plan for the project.

N:\Mike Land Use Files\Development Review & EIR\Non ag uses\Waste Connections-Corral de Piedra CUP\Ag Dept #1136 DEIR.doc

**Response to Letter from County of San Luis Obispo  
Department of Agriculture/Weights and Measures,  
dated March 9, 2009**

Comment No.	Response
AG-1	This comment states that the Department of Agriculture supports the findings in the EIR relating to groundwater consumption being a potentially significant impact and conversion of the expansion site to non-agricultural resources having the potential to seriously erode the long-term production of agricultural resources. Due to revisions to the FEIR as a result of the applicant's removal of the compost operation, the proposed project no longer is projected to result in significant impacts to groundwater resources. Overall groundwater consumption would be reduced by approximately 24 acre feet per year, thereby eliminating groundwater supply concerns associated with the project as well as potentially significant impacts. The FEIR has also been revised, based on the previously mentioned elimination of groundwater supply concerns, to include findings for conversion of the expansion site to non-agricultural use.
AG-2	This comment states that the Department of Agriculture could not find a reference in the DEIR addressing recharge of groundwater. The DEIR Water Resources section was revised in its entirety prior to recirculation of the DEIR. Water Resources, Section V.K.1.c. of the FEIR, addresses groundwater recharge of the 1,687-acre basin in which the project site is located. The FEIR calculates, utilizing a conservative recharge rate estimate of 9% infiltration, that basin recharge is approximately 281 acre feet per year. The FEIR finds that the increase in impervious surface due to the proposed project would not significantly decrease or interfere with the rate of basin recharge. Also, please reference response to Comment RWQCB-8 which states that GEO/mm-2 has been revised to include implementation of LID practices and the County will require the applicant to implement LID measures consistent with the interim LID requirements or the most recent and applicable LID requirements as a condition of approval.
AG-3	This comment states that the project should retain runoff as opposed to detain runoff so as to increase basin recharge for later beneficial re-use. The water use/water supply impacts associated with the project, with removal of the compost operation from consideration as part of the proposed project, have been determined to be insignificant (i.e., water use would increase from 9.3 afy to 10.2 afy). The detention basins that are part of the existing operation and the proposed project (approximately 7 acre feet) would continue to be used for dust control (an approximate 7 afy need/demand) and other operational uses and therefore would result in a beneficial re-use of water. No changes to the FEIR are necessary.
AG-4	This comment expresses concern over the secondary impacts associated with new dust control water requirements and resulting increased groundwater demands. Proposed dust control measures are anticipated to limit dust generated onsite during construction and daily operations. AG Impact 1 notes that water use by the proposed project would not result in a significant impact on the water available for agricultural use and agricultural intensification. Dust control was considered during development of the project's water demand. No changes to the FEIR are necessary.
AG-5	This comment states the project would result in utilization of limited groundwater, conversion of land to a non-agricultural use, and increased agricultural incompatibilities if not properly mitigated. There are a number of mitigation measures recommended in the FEIR that would reduce such impacts where significant impacts have been identified (e.g., refer to mitigation measures AES/mm-2; AQ/mm-2, 3, and 7, and NS/mm-1. No changes to the FEIR are necessary.

Comment No.	Response
AG-6	This comment notes an apparent lack of discussion regarding zoning compatibility and groundwater recharge. Landfills are an allowed use within the Agriculture land use category in San Luis Obispo County. Section IV, Environmental Setting, Table IV-3 includes a discussion of the project's potential inconsistency with AGP 11, 17, 18, 24, and 33. Refer to response to comment AG-2 for further discussion relating to groundwater recharge. No changes to the FEIR are necessary.
AG-7	This comment notes that the project is potentially inconsistent with AGP 11. With removal of the composting operation subsequent to circulation of the 2009 DEIR for which this comment was generated, the proposed project would require approximately one acre-foot per year of additional water at full capacity, significantly less than before this change to the project was made. This is not expected to significantly affect existing agricultural operations or reduce the groundwater available for future intensification of area agricultural operations and the project is now potentially consistent with AGP 11. Changes to the FEIR have been made.
AG-8	This comment notes the importance of conserving land, soil, and water in agricultural areas. The environmentally superior alternative to the proposed project notes that the alternative design would help in maintaining a buffer between the landfill operations and potential future operations to the south and east. Given the number of project components proposed, it would appear infeasible to provide meaningful buffers or to preserve onsite soils. No changes to the FEIR are necessary.
AG-9	This comment discusses beneficially utilizing runoff through use of retention basins so as to off-set use of groundwater. Please refer to response AG-3 above. No changes to the FEIR are necessary.
AG-10	This comment addresses agricultural issues associated with dust such as increased infestations and disease of crops. Please refer to response AG-4. No changes to the FEIR are necessary.
AG-11	This comment notes an incorrect reference with respect to AES/mm-13 needing to be AES/mm-12. The FEIR has been revised to reflect this correction.
AG-12	This comment notes that noise from a project such as the Landfill, particularly impulse or startling noise, can have an impact on livestock which sleep for 10-15 minute periods day and night on a continual basis. The comment also notes that NS/mm-1 is unlikely to provide much relief to livestock. The FEIR identifies noise as being a Class I, significant and unavoidable impact, and recommends a wide variety of mitigation measures to reduce these noise impacts to the greatest degree possible. However, given the location of the facility, nature of the existing and proposed operations, and impact levels, the mitigation measures identified in the FEIR are not affected. No changes to the FEIR are necessary.
AG-13	This comment addresses the potential significance of groundwater recharge and likely impacts to agricultural operations in the basin. As outlined in response AG-2 above, the 0.9 afy increase in water usage associated with the proposed project (which takes into consideration recharge of the basin and increased impervious surfaces associated with the proposed project), would not result in a significant water supply or agricultural intensification impact. No changes to the FEIR are necessary.
AG-14	This comment addresses groundwater recharge reduction. Please refer to response AG-2 and AG-13 above. It does not appear that there is adequate storage space available onsite to retain all stormwater runoff. No changes to the FEIR are necessary.
AG-15	This comment suggests incorporation of a mitigation measure in the FEIR to address possible interference impacts associated with any new wells that may be installed on the project site. The proposed project does not include new wells and the evaluation of existing wells showed that

Comment No.	Response
	interference to neighboring wells would not be significant (refer to Section V.K.5.a., Water Resources for detailed discussions on this issue). No changes to the FEIR are necessary.



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

March 12, 2009

**MEMORANDUM**

**TO:** John McKenzie, Project Manager

**FROM:** Mary Whittlesey, Solid Waste Coordinator

*MW 3/13/09*

**SUBJECT:** Cold Canyon Landfill Expansion Draft EIR (ED 06-126; DRC 2005-00170; SCH#2006101173)

Thank you for the opportunity to comment on the Draft EIR for the Cold Canyon Landfill Expansion.

1) After more than 10 years of program implementation, San Luis Obispo County has complied with the Integrated Waste Management Act of 1989 (IWMA) that requires the reduction or diversion of 50% of the solid waste stream.

**PWSW-1**

At present, however, the population densities and commercial activity in some parts of the county are not sufficient to provide affordable curbside recycling collection services. Ideally, if the landfill's disposal area is expanded, the expanded area should be used only for discarded material that cannot be recycled. To that end, the landfill should be required, as part of its daily operations, to provide and maintain an easily accessible drop-off recycling area for residents and businesses without access to curbside recycling service. This area should accommodate the traditional curbside recyclable materials, e.g., bottles, cans, rigid plastics, fiber products including office paper, cardboard, newspaper, magazines, catalogs and other items as future needs dictate.

2) The Cold Canyon Landfill currently has a CNG/Diesel re-fueling facility. This facility is important in keeping costs down for the hauling companies and therefore the rate payers and users of the waste collection system. I didn't see any mention of the facility or the need to move it or discontinue it to allow for the expansion of Module 10. Will the facility be moved to a new location on site?

**PWSW-2**

File:SW 2.3 Comments-Environmental Review/Planning Department Development Projects  
L:\WASTE\MAR09\Cold Canyon Expansion Draft EIR.doc.MW:mac

**Response to Letter from County of San Luis Obispo  
Department of Public Works Solid Waste Coordinator,  
dated March 12, 2009**

Comment No.	Response
PWSW-1	<p>This comment states that the proposed expansion area should only be used for discarded material that cannot be recycled and that they should be required as part of their daily operations to provide an easily accessible drop-off recycling area for residents and businesses without access to curbside recycling service. For those bringing recyclable materials to the Landfill they are directed to the MRF. The Landfill would continue to operate this facility (Telephone conversation, John Nall and Lacy Ballard, April 24, 2012). In addition, for those without access to curbside recycling there are currently drop facilities for recyclable materials in Paso Robles, Atascadero, Morro Bay, Los Osos, San Luis Obispo, Pismo Beach, Arroyo Grande, Oceano, and Nipomo. No changes to the FEIR are necessary.</p>
PWSW-2	<p>This comment notes the importance of the compressed natural gas (CNG)/Diesel re-fueling facility that is part of the existing landfill operation. The proposed project includes construction of a new CNG facility near the existing maintenance building (refer to Section III, Project Description, Figure III-5). The CNG facility would be relocated to the maintenance building in the new RRP prior to excavation of Module 10. No changes to the FEIR are necessary.</p>

March 16, 2009

John McKenzie, Environmental Division  
County Planning & Building Dept  
County Government Center, Room 310  
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Cold Canyon Landfill Expansion  
NOP Project (DRC2005-00170)

Dear Mr. McKenzie,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 2268 Carpenter Canyon Road in San Luis Obispo. The proposed project involves the expansion of the existing Cold Canyon Landfill. The project as proposed would:

1. Expand the landfill footprint;
2. Increase the total facility allowable tonnage limit;
3. Expand and modify the Compost Operation (CO);
4. Expand and relocate the Resource Recovery Park (RRP);
5. Expand and enhance the Materials Recovery Facility (MRF);
6. Construct a new scale house and entrance;
7. Make the operating hours of the CO, RRP, and MRF consistent with the Landfill operating hours; and,
8. Increase staffing levels.

The following are APCD comments that are pertinent to this project.

#### GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

Page V-77 – APCD recommends the APCD’s nuisance rule (Rule 402) definition below be incorporated into the text here in addition to or in place of the California Integrated Waste Management Board (CIWMB). APCD Rule 402 states.

*“A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of person or to the public, or which endanger the comfort, repose, health or safety of any such person or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.”*

APCD-1

Page V-78, Section 4 – For future reference APCD recommends using the most recent version of the URBEMIS model for quantifying air quality impacts. The most recent version of URBEMIS is 9.2.4.

APCD-2

Page V-79 Section 5.a.1 – In addition to ROG, NOx and PM, greenhouse gases (GHG) from the construction operation are also a critical pollutant that should be evaluated. In the GHG section of the EIR page V-127 GHG are mentioned but not quantified for the construction phase of this project. **APCD staff recommends that GHG be quantified for the construction operations, amortized over the life of the project and added to the operational phase emissions.**

APCD-3

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170

Page 2 of 8

March 16, 2009

Page V-79, Section 5.a.1.c – It is estimated that approximately 49,900 cy of gravel will be imported from offsite for liner construction. From the data presented in Table V.C-5 it does not appear that these offsite haul trip have been factored into the overall construction emissions. **These emissions should be included in the totals. Failure to include these emissions in the overall calculation will underestimate the construction emissions.**

APCD-4

Page V-80, Table V.C-5 – This table present emissions associated with the construction phase of the project. It does not appear to include emissions associated with the demolition activities discussed on page V-85. **These emissions should be included in the totals. Failure to include these emissions in the overall calculation will under estimates the construction emissions.**

APCD-5

Page V-80, Section 5.a.1.d - The text states that daily, intermediate, and final cover would require 644,000 cy of cut and 3,425,200 cy of fill. However Table V.C-5 shows 644,300 cy of cut and 3,347,300 cy of fill. **Please explain the difference. This discrepancy could result in an under estimation of the construction emissions.**

APCD-6

Page V-80, Section 5.a.1.d - As stated on page V-80 the majority of the work outlined in Table V.C-5 would occur “*constantly throughout the life of the disposal area which would be until approximately 2040*”. Furthermore in a land fill operation the same equipment that is working on the active cells is usually used for the new cell excavation and relocation of the material for daily fill and stockpiling activities. Due to the nature of landfill operation, APCD considers the construction of the new waste cells to be part of the operation of the landfill and as such the emissions associated with the construction of the waste cells should be included as part of the operational phase emissions instead of the construction phase emissions. **The APCD recommends that Best Available Control Technology be used for both operational and construction phase emissions and the mitigation measures presented on page V-81 should be modified as indicated below and applied to both construction and operational phase activities.**

APCD-7

Page V-81, AQ/mm-1 – **The following revisions should be made to the mitigation measures for construction activities.**

APCD-8

1. Measure AQ/mm-1 should be revised to reflect current APCD requirement regarding diesel equipment. We recommend the following changes:

- Replace the language in measure AQ/mm-1.e to read “*Maximize, to the extent feasible, the use of diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.*”
- Add the following language to AQ/mm-1.e to address on road vehicles “*Maximize to the extent feasible, the use of on-road heavy-duty trucks that meet the ARB’s 2007 or newer certification standard for on-road heavy-duty diesel engines, and comply with the State On- Road Regulation.*”
- Measure AQ/mm-1.j should be modified to clarify the requirement for Best Available Control Technology (BACT) for Construction Equipment.

If the emissions exceed the APCD’s threshold of significances after the standard mitigation measures are factored applied, then BACT needs to be implemented to further reduce these impacts. The BACT measures can include:

- Replace equipment with equipment that has cleaner engines;
- Repower equipment with the cleanest engines available;
- Install California Verified Diesel Emission Control Strategies; and
- Implementing a Comprehensive Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period. If this plan will be implemented as BACT, then it

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170

Page 3 of 8

March 16, 2009

- should be submitted to the APCD for review and approval prior to the start of construction. The plans should include but not be limited to the following elements:
- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
  - Limit the length of the construction work-day period, if necessary; and,
  - Phase construction activities, if appropriate.

APCD-8  
(cont'd)

**The following measures should be added to the list of mitigation measure for the construction phase of the project.**

APCD-9

#### Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912.

#### Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

*NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170*  
*Page 4 of 8*  
*March 16, 2009*

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

APCD-10

*Page V-85, Section 5.b, Long Term Operational Emissions* – Table V.C-7 presents operational phase emissions from vehicle trips and area sources for the project. These numbers are then compared to the APCD threshold and the conclusion is drawn that emissions are less than APCD thresholds. The same thing is done for the heavy duty equipment emissions associated with the project. On page V-87, Table V.C- 8 presents heavy equipment emissions based on year 2007 data and the conclusion is drawn that air quality impacts associated with heavy equipment use at the landfill would be less than significant. In fact the heavy duty equipment present in this table will exceed the APCD CEQA Tier I threshold of 10 lbs./day (based on year 2007 data) and when added to area emissions and light duty vehicle emissions will exceed the Tier II threshold of 25 lbs/day.

In addition, as discussed above for landfill operations and the construction of the new waste cells the APCD staff consider the construction of the cells to be part of the operation of the landfill since the excavation of the cell and associated material stockpiling is often done in conjunction with the landfill operations. On page V-80, Section 5.a.1.d for construction activities it states the majority of the work outlined in Table V.C-5 (as part of the construction) would occur “constantly throughout the life of the disposal area which would be until approximately 2040”.

Since the majority of the construction emissions will be occurring over the life of the disposal area it makes sense to include these emissions with the other operational phase emissions that are occurring at the same time. The emissions associated with the construction of the waste cells and other activities that will be ongoing should be included as part of the operational phase emissions instead of the construction phase emissions.

**The operational phase emission should be recalculated for both criteria pollutants and greenhouse gases and should include area sources, light duty vehicle trips, heavy duty vehicle trips including the ongoing construction activities and greenhouse gases amortized over the life of the operation. These emissions should then be compared against the CEQA thresholds (both daily and annual).**

APCD-11

Based on the data provided and changes required to the operational phase calculation the emission will exceed the Districts Tier II and possibly the Tier III threshold. Once the calculations are reevaluated then appropriate mitigation of the operational phase of the project will be needed. The mitigation measures outlined in AQ/mm-1 for Best Available Control Technologies for diesel fueled equipment should be included as part of the mitigation to bring the operational phase emissions below APCD’s significance threshold.

*Page V-85, Section 5 and associated URBEMIS data Appendix B*– We have the following comments on the calculations provided in Appendix B.

APCD-12

**The operational phase emissions are under estimated and should be recalculated based on the comments below.**

1. The assumption is made that the vehicle trips will increase by 200 trips over the course of 10 years. For the URBEMIS modeling a target year of 2018 was used. This will under estimate the emission in the near term assuming a cleaner fleet than actually exists. **Therefore, APCD staff recommends using 2015 as a compromise assuming construction modification will**

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170  
 Page 5 of 8  
 March 16, 2009

**not commence till 2010 or separate runs could be done to show incremental increases over time.**

2. The trip lengths used in the URBEMIS model were modified from the San Luis Obispo defaults values. The "home-based work urban trip length" was changed from 13 mile to 6 miles, the "commercial based commute urban trip length" was change from 13 miles to 3 miles, and the "commercial-based commute rural trip length" was changed from 13 to 6.

These changes will under estimate the amount of emissions from the operations of the landfill. **The URBEMIS model should use all rural trips and all commercial based trips should be set as 14 miles.** Due to the remote location of the facility not only will the waste hauling trucks be traveling 14 miles, 14 miles is a reasonable estimate of the distance that individual will travel to drop off waste and pick up compost etc. The way the URBEMIS run was set up the land use selected was a industrial land use and commercial based trips were calculated using 6 instead of 14 (860 total trips with 5,160 vehicle miles traveled = 6 miles per trip).

3. It is unclear how or if the waste hauling truck have been included in the calculations. There are not accounted for in the heavy equipment emission calculations in Table V.C-8 and Appendix B. In the URBEMIS run the fleet mix does not show any heavy – heavy duty trucks (33,001-60,000 lb). The waste hauling trucks are approximately 24,000 lbs. gross vehicle weight (GVW) without a load and up to 52,000 lbs. GVW with a load. **The emissions from the waste haulers should be calculated as part of the heavy equipment and included in Table V.C-8 based on specific emission factors for those trucks.**
4. For the heavy duty equipment the calculated emissions for ROG for the roll-off truck and water truck appear to be incorrect based on the horse power, hours of operation and load factor provided. **These number should be checked and corrected as appropriate.**
5. For the heavy duty equipment the horse power for the water trucks and roll off trucks appear low. The spread sheet included in Appendix B indicates that there will be 3 water trucks with a horse power of 300. It appears this is intended to be the total horse power as the calculations do not include a factor of 3 increase for the emissions associated with the water truck. This seems low since the horse power of a water truck is generally in the range of 180-200 hp per truck. Either the horse power is wrong or the emissions have not been multiplied by the number of vehicles. Either way the emissions for the heavy duty equipment appear to be under estimated. The same is true for all the equipment with more than one piece per category (roll-off trucks, rubber tired loader, and loader). **These values should be checked and corrected as appropriate.**

**Page V-88, AQ Impact- 4 – The mitigation measures included in this section should be part of the Landfill's Odor Control Plan. This plan should be submitted to the APCD for review and approval prior to the start of construction.**

**Permitting Requirements –A section addressing the need to obtain a permit from the APCD should be added to the EIR. The Compost Operation is currently under permit with the APCD. The project proponent will need to apply to the APCD for a permit modification prior to the start of construction. Other new waste streams and processes associated with the landfill modification including but not limited to the Aerated Static Pile will need to be included in the permit modification. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

APCD-12  
(cont'd)

APCD-13

APCD-14

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170  
 Page 6 of 8  
 March 16, 2009

<p><u>Page V-88, AQ Impact 4</u> - The statement is made that "the applicant shall continue to use Best Management Practices to minimize odorous gas generation and shall implement the following odor control procedures throughout the life of the operation as long as tonnage remains at 300 tpd or less". What happens if the tpd is over 300? This should be addressed in the mitigation measure and in the Odor Control Plan that is submitted to the APCD for review and approval prior to the start of construction.</p>	APCD-15
<p><u>Page V-88, AQ Impact 4</u> - Under the section on Odor Screening and Load Checking - it states that "if necessary the facility operator would implement one or more of the following measures" APCD staff recommend modifying this language to include the following "if necessary the facility operator would implement one or more of the following measures" <b>to a level that eliminates the odor.</b></p>	APCD-16
<p><u>Page V-88, AQ Impact 4</u> - Under the section on Odor Screening and Load Checking section b. states "blend or cover materials producing objectionable odors" APCD staff recommend modifying this language to include the following "blend or cover materials producing objectionable odors" <b>within 4 hours.</b></p>	APCD-17
<p><u>Page V-88, AQ Impact 4</u> - Under the Odor Complaint Response System APCD suggests that section b be modified as follows "Establish a telephone hotline for nearby receptors to contact the landfill facility" <b>and distribute to residents and businesses within 1 mile of the property boundary.</b></p>	APCD-18
<p><u>Page V-88, AQ/mm-7</u> - The statement is made "once the amount of material to be processed exceeds 300 tpd" - what does "material to be processed" include - greenwaste accepted, material ground, or compost produced? Please elaborate.</p>	APCD-19
<p><b><u>The following measures should be added to the list of mitigation measures for the operational phase of the project.</u></b></p>	
<p><u>Page V-82, AQ Impact 2</u> - AQ Impact 2 addresses dust mitigation for the construction phase of the project and a Dust Control Plan is required as part of AQ/mm-2. However, dust can be an issue during the operational phase of the project especially for the active landfill and composting facilities. <b><u>Therefore a Dust Control Plan should also be prepared for the operational phase of the project or incorporated in the construction plan and submitted to the APCD for review and approval.</u></b></p>	APCD-20
<p><u>Page V-126 - GHG Impact Assessment and Methodology</u> - as indicated above for the construction phase of the project the <b><u>APCD staff recommends that GHG be quantified for the construction operations, amortized over the life of the project, and added to the operation phase GHG emissions.</u></b></p>	APCD-21
<p><u>Page V-126 - GHG Impact Assessment and Methodology</u> - <b><u>A copy of the GHG emissions from 2007 that is referenced in this section should be included in Appendix B along with assumption and emission factors used to determine those emissions.</u></b> If these emissions have been reported and verified through the California Climate Action Registry this should be indicated and the associated reports for the local operation should be provided. This data should support the numbers presented section E.5 Project-specific Impacts and Mitigation Measures.</p>	APCD-22
<p><u>Page V-126, Section 4.a Methane Leakage</u> - Based on APCD records the land fill gas captures system has an efficiency of 60% not 85% as indicated here. <b><u>Please provide the basis for this assumption of 85%.</u></b></p>	APCD-23

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170  
 Page 7 of 8  
 March 16, 2009

Page V-127, Section 5.d – It is stated that combustion from mobile sources is 970 metric tons of CO<sub>2</sub> equivalents annually. **Supporting documentation for this number should be provided along with an explanation of exactly what sources are included in the number.**

APCD-24

**Page V-128, GHG Table V.E-1 - The emissions for the composting operation are not included in Table V.E.1. These emissions should be quantified and included in this section.**

APCD-25

**Page V-128, GHG Impact 1 and Table V.E-1 – Impact 1 states the total GHG emissions would increase by approximately 50% to an annual total of 59,900 metric tons of CO<sub>2</sub> equivalent at such time as the facility reaches full capacity. Table V.E- 1 shows this happening in 2025. However, in the project description on Page I-1 it states that the modification would extend the life of the landfill by 25 year to approximately 2040. If that is the case then these calculations should reflect the total emission for the estimated life of the facility (2040 not 2025).**

APCD-26

**Page V-128, GHG/mm-1**

Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005) both require reductions of greenhouse gases in the State of California. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA; including but not limited to, effects associated with transportation or energy consumption. As thresholds are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation. The list includes possible mitigation measures.

APCD-27

- Utilize alternative fuel vehicles and low carbon fuels.
- Develop a Trip Reduction Plan for the site and submit to APCD for review and approval.
- Comply with the Air Resources Board Early Action Measure "Landfill Methane Control Measures" which will be in affect January 1, 2010.

**Page VI-4 Alternative Analysis – Due to the increase in vehicle trip APCD staff do not support alternative 3 Alternative Project Location or Alternative 4 Waste Diversion Alternative. Both have the potential to substantially increase emissions from heavy duty vehicle trips.**

APCD-28

**District staff recommends the following mitigation measures be added to GHG/mm-2 to control greenhouse gases from the facility.**

APCD-29

#### Mitigation Measures

- Use locally made building materials for construction of the project components and associated infrastructure
- Recycle/reuse demolished construction materials to the extent possible.
- **Idling Limitations**  
 To help reduce the emissions impact of diesel vehicles accessing the facility, the applicant shall implement a no idle zone for diesel driven delivery trucks (and the following shall be included as an APCD permit condition). Truck idling emissions shall be minimized to the maximum extent feasible using at least the following techniques:
  - Each delivery vehicle's engine shall be shut off within two minutes of arrival in the area, unless the vehicle is actively maneuvering.
  - The scheduling of deliveries shall be staggered to the extent feasible.

NOP Project Level for Cold Canyon Landfill Expansion DRC2005-00170  
Page 8 of 8  
March 16, 2009

- o Vehicle operators shall be made aware of the no idle zone, including a notification by letter to companies controlling out of the area drivers.
- o Prominently lettered signs shall be posted in the receiving dock area to remind Drivers to turn off their engines.

APCD-29  
(cont'd)

Page VIII-12 – Mitigation Measures – AQ/mm-6 should include an odor control plan or revision to an existing plan that is reviewed and approved by the Air Pollution Control District prior to the start of construction. The measures listed on page VIII-13 should be included as part of the plan.

APCD-30

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Melissa Guise  
Air Quality Specialist

MAG/lmg

cc: Tim Fuhs, Enforcement Division, APCD  
Karen Brooks, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD  
Andy Mutziger, Planning Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form
2. Guidelines for the Development of a Construction Activity Management Plan

h:\plan\caqa\project\_review\3000\3100\3139-4\3139-4.doc

**Response to Letter from County of San Luis Obispo  
Air Pollution Control District,  
dated March 16, 2009**

Comment No.	Response
APCD-1	This comment recommends inclusion of APCD's nuisance rule (Rule 402) into the text of the Air Quality section of the FEIR. It should be noted that as a result of recirculation of the DEIR, the County elected to incorporate the discussion and evaluation pertaining to odors to the Hazards and Hazardous Materials section of the EIR. Therefore, please refer to Section V.H.2.c. for Rule 402 information.
APCD-2	This comment recommends use of the most recent version of the URBEMIS model. The FEIR has been revised, with respect to Area Source and Operational Emissions estimates, utilizing the URBEMIS 9.2.4 model as recommended by the APCD.
APCD-3	This comment expresses the importance of GHG from the construction operations as a factor requiring evaluation. The GHG emissions estimates in the FEIR have been revised. Please refer to Appendix B.
APCD-4	This comment states that truck trips resulting from importation of gravel for liner construction should be factored into the overall construction emissions. Based on this comment, five trips per day have been added to account for "imported gravel". Please refer to URBEMIS datasheets in Appendix B for updated results and Section V.C.5 of the FEIR.
APCD-5	This comment notes that construction phase demolition activities should be factored into emission calculations. Based on this comment, demolition emissions have been itemized and are shown in Section V.C.5 of the FEIR, Table V.C.-5 in a separate line item "Demolition Activities", 1,524 cubic yards of earthwork. Emission calculation details are included in Appendix B of the FEIR.
APCD-6	The comment notes an inconsistency between the text and a table in the DEIR. Table V.C.-5 and the text in Section V.C., Air Quality of the FEIR, have been revised for consistency.
APCD-7	This comment states that the APCD considers the construction of new waste cells to be part of the operation of the Landfill and as such the emissions associated with the construction of the waste cells should be included as part of the operational phase emissions. The EIR considers short-term construction emissions to consist of earthwork associated with construction of the new entrance and RRP, excavation of new modules, and construction of drainage layers and clay liners. These are considered the only construction activities because they are limited in scope and duration and occur during discrete, identifiable, shorter-term periods. Daily, intermediate, and final cover related earthwork is considered part of the operational activities at the Landfill and is included in the Heavy Equipment calculations. This approach to construction versus operational activities is consistent with the Noise section of the EIR as well. In this comment the APCD also recommends that Best Available Control Technology be used for both operational and construction phase emissions. The FEIR (AQ/mm-1) has been amended so that BACT applies to all project activities, consistent with this comment.
APCD-8	This comment outlines numerous revisions to the AQ/mm-1 that APCD would like to see implemented. These revisions have been made as part of revisions to the FEIR.
APCD-9	This comment outlines, and recommends, several measures pertaining to naturally occurring asbestos, developmental burning, and construction permit requirements that APCD would like to

Comment No.	Response
	see implemented. According to Section V.G., Geology and Soils, the local geologic formations on site do not contain naturally-occurring asbestos so the measures recommended have no nexus for inclusion in the FEIR. The proposed project does not include developmental burning, so again, no nexus for implementation of related measures exists. With respect to construction equipment requirements, a detailed list of equipment to be used is included in Appendix B. Based on the information provided, much of this equipment will require either a statewide or an APCD permit. No changes to the FEIR are necessary.
APCD-10	This comment outlines a number of APCD's comments relating to operation and construction emissions. Based on the revised URBEMIS calculations, conducted in response to 2009 DEIR comments, and revisions to the heavy equipment emissions rates, the proposed project would result in similar or reduced emissions when compared to the proposed project. Excavation of the modules, construction of new roads, and demolition of structures are considered construction activities as they would occur during discrete, identifiable, shorter-term periods which is the reason for these items to be categorized as construction activities. This methodology is consistent with Section V.I., Noise, as well.
APCD-11	Operational emissions would potentially exceed thresholds in the event that the Landfill immediately began operating at maximum capacity. However this scenario is unlikely. The existing operation is not operating at its currently permitted limits, nor has it ever. The revised analysis prepared as part of responding to 2009 DEIR comments identifies decreases in emissions over the relative short-term (nine years at 50 percent capacity) and long-term (29 years at maximum capacity). In both cases, emission rates decrease compared to existing (baseline) levels. Based on a 2015 URBEMIS run, the Landfill would need to double 2007 acceptance rates (704 tpd to 1408 tpd) by 2015 to result in vehicle emissions that are approximately equal to baseline conditions, which seems unlikely even considering a worst-case scenario. The same is true of heavy equipment use at the Landfill, including trammel screens, loaders, etc. Due to advances in fuels and engine technology, emission rates would decrease despite the increases capacity.
APCD-12	<p>In response to APCD's comment, operational emissions have been recalculated. First, URBEMIS was used to calculate emissions for the baseline year 2007 – using complete tonnage data from 2006 (704 tpd; 43 percent of permitted capacity). Based on information provided by the EIR traffic engineer to clarify the number of trips associated with the proposed project, the tons per trip/vehicle rate would be 2.77. Therefore trip estimates were 254 one way trips.</p> <p>To calculate future vehicle emissions, URBEMIS was used in two different scenarios. Scenario 1 is Year 2020 with 424 one way trips (848 total). This assumes the Landfill would be operating at 50 percent of proposed permitted capacity <math>[(2,350 \text{ tpd} * 0.50)/2.77]</math> in nine years. (Please note that subsequent to conducting this re-evaluation, the compost operation was eliminated from the proposed project, reducing the Landfill's proposed maximum tpd to 2,050. This is an important consideration throughout this response as well as other responses to comments as it results in a further lessening of impact levels for air quality and other issue areas).</p> <p>Scenario 2 used Year 2040 with the Landfill operating at maximum permitted capacity (2,350/2.77) every day, a conservative estimate, as it is unlikely, nearly impossible, for the Landfill to operate at maximum capacity on a daily basis. It never has historically.</p> <p>Other changes to the URBEMIS run include: commute length was increased to 13 miles; the waste hauling trip length was raised to 14 miles. The vehicle fleet mix used included 20 percent light</p>

Comment No.	Response
	autos, 20 percent light-heavy trucks, and 60 percent heavy-heavy trucks. The URBEMIS outputs indicate that due to improvements in fuel and equipment technology, the operational emissions associated with vehicles use would <i>decrease</i> compared to existing conditions. Please refer to URBEMIS data sheets in Appendix B. The Heavy Equipment calculations were revised based on comments and are shown in Appendix B.
APCD-13	This comment addresses odors and the odor control plan. Odor issues and impacts have been evaluated in detail and are now part of Section V.H., Hazards and Hazardous Materials, of the Final EIR (refer to Section V.H.5.h.). This section contains one mitigation measure (i.e., measure HAZ/mm-10) which requires the applicant to implement a multitude of odor minimization Best Management Practices, including updating of the Odor Impact and Minimization Plan (OIMP). The OIMP would include many of the measures transferred from the DEIR Air Quality section to the Hazards and Hazardous Materials section of the FEIR.
APCD-14	This comment requests a section detailing APCD permitting requirements for the project. A discussion of the APCD permitting process has been added to Section V.C.2.e., Air Quality.
APCD-15	This comment asks what would happen if the compost operation receives greater than 300 tpd and that this scenario should be addressed in the OIMP. The applicant has removed the compost operation from the project description; therefore, this is no longer an issue. No changes to the FEIR are necessary.
APCD-16-18	These three comments address odor screening, load checking, and odor complaint responses. Odor issues were removed from the Air Quality section, and are considered in a more comprehensive manner in the 2011 RDEIR (refer to Section V.H.5.h., Hazards and Hazardous Materials, of the FEIR). Subsequent to circulation of the 2011 RDEIR, the applicant elected to remove the open windrow compost operation from the proposed project, thereby eliminating a significant contributor of odor associated with the project. There would still be odor from the proposed landfill expansion and mitigation measures applicable to this aspect of the operation remain. The FEIR has been revised to include these changes.
APCD-19	The applicant has removed the compost operation from the project description; therefore, the comment made by the APCD is no longer an issue, AQ/mm-7 has been eliminated because a nexus for its recommendation no longer exists. No changes to the FEIR are necessary.
APCD-20	This comment requests that dust control measures be incorporated for the operational phase, as well as the construction phase, of the project. Mitigation measure AQ/mm-2 has been revised in the FEIR to include a requirement that "a Dust Control Plan for all potential dust-creating activities" be prepared and apply to the proposed project.
APCD-21	This comment recommends that GHG be quantified for construction operations and amortized over the life of the project. Construction activities are considered temporary and have not been included in the analysis. No changes to the FEIR are necessary.
APCD-22	This comment states that GHG emissions used as part of the analysis be incorporated in Appendix B. The spreadsheet showing the 2007 GHG emissions referenced in the Air Quality section, as well as assumptions, have been added to Appendix B of the Final EIR. This information was provided to the APCD at the time the DEIR was prepared for APCD review and concurrence.
APCD-23	Waste Connections, Inc submitted a report prepared by The Shaw Group entitled <i>GHG/Landfill Technical Memorandum</i> , Dated June 23, 2008. In this report the author, Richard Merrill, states, "Although a fraction escapes to the atmosphere, approximately 85 to 95 percent of the generated

Comment No.	Response
	landfill gas is collected (the fraction collected being a function of the placement of final cover) and used as fuel for steam generators located at the nearby Plains Exploration and Production (PXP) oil field, or flared." Another report submitted by Waste Connections as part of their comments on the 2009 DEIR suggests a 63 percent capture efficiency. This percentage is more consistent with industry standards and has been used in the analysis. No changes to the FEIR are necessary.
APCD-24	This comment requests supporting documentation for mobile source CO <sub>2</sub> emissions. The source for the 970 tons of vehicle CO <sub>2</sub> emissions is the 2007 GHG Inventory submitted to the California Climate Action Registry (CCAR). A copy of the spreadsheet in question was emailed to Melissa Guise, author of the letter from APCD, on May 5, 2009. No changes to the FEIR are necessary.
APCD-25	An emission factor of 0.2 metric tons of CO <sub>2</sub> (based on EPA "WARM" modeling) per ton of green waste was used to determine emissions resulting from the compost operation. However, the compost operation has been removed from consideration as part of the proposed project and is no longer a factor. Removal of the compost operation would result in a lessening of emissions but would not result in a change to the impacts and mitigation measures identified in the FEIR.
APCD-26	The approximate 2007 emissions (based on 2006 data) and the Year 2040 possible emissions, based on the Landfill operating at maximum capacity every day have been shown in Table V.E.-1, of Section V.E., Climate Change/Greenhouse Gas Emissions.
APCD-27	This comment recommends that the EIR incorporate feasible GHG mitigation measures and recommends several including use of alternative fuel vehicles and low carbon fuels, developing a trip reduction plan, and compliance with CARB's "Landfill Methane Control Measures." The suggested measures have been incorporated into the FEIR (refer to Section V.E., GHG/mm-2).
APCD-28	This comment states that the APCD does not support the Alternative Project Location or the Waste Diversion Alternative. Neither of these Alternatives was identified in the EIR as the Environmentally Superior Alternative. No changes to the FEIR are necessary.
APCD-29	The comment recommends that several mitigation components be added to the GHG/mm-2 of the FEIR. The suggested measures have been included as part of GHG/mm-2 (refer to Section V.E.).
APCD-30	This comment recommends revisions to AQ/mm-6 of the DEIR. Odor issues and impacts have been evaluated in detail and are now part of Section V.H., Hazards and Hazardous Materials, of the Final EIR (refer to Section V.H.5.h.). This section contains one mitigation measure (i.e., measure HAZ/mm-10 – formerly AQ/mm-6) which requires the applicant to implement a multitude of odor minimization Best Management Practices, including updating the Odor Impact and Minimization Plan (OIMP). The OIMP would include many of the measures transferred from the DEIR Air Quality section to the Hazards and Hazardous Materials section of the FEIR.

**G. APPLICANT/AGENT**

The following applicant/agent has submitted comments on the January 2009 Draft EIR. For ease of reading, the commenter's numbering system has been utilized.

Commenter and Address	Code	Date of Letter	Page
Waste Connections, Inc. 5597 Morningside Drive Clayton, CA94517	WC	March 16, 2009	X-52



WASTE CONNECTIONS INC.  
*Connect with the Future®*

March 16, 2009

John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

**Subject: Comments on Draft Environmental Impact Report, Cold Canyon Landfill  
Expansion, San Luis Obispo, California**

---

Dear Mr. McKenzie:

Waste Connections Inc. (WCI) has completed a review of the Draft Environmental Impact Report (DEIR), dated January 15, 2009, for the Cold Canyon Landfill Expansion project. The DEIR was prepared by the Morro Group for the San Luis Obispo County, Department of Planning and Building (County). Our comments are provided on the attached table. For each comment, a DEIR page number, section number and paragraph/figure/table/impact/mitigation measure is provided as reference.

If you have any questions, please contact me at (925) 672-3800.

Sincerely,

Thomas C. Reilly  
California Engineer Manager  
Western Region  
Waste Connections, Inc.

---

5597 Morningside Drive - Clayton CA 94517 - Tel (925) 672-3800 - Fax (925) 889-2031 - [www.WasteConnections.com](http://www.WasteConnections.com)

Cold Canyon Landfill Expansion  
Draft Environmental Impact Report Comments

Page #	Section	Paragraph
I-4	I.C.1	The Landfill currently operates under a Solid Waste Facility Permit (SWFP) issued by the CIWMB. The proposed project would require modifications to that permit. The CIWMB must concur that the project is in compliance with CEQA before they can issue a revised permit; this EIR would be used to determine compliance.
	Comment 1	<i>For clarity, we suggest revising the last sentence to read: "The CIWMB must comply with CEQA before issuing a revised permit; this EIR would be used to achieve compliance." This is because it is the governmental decision-maker – in this case the CIWMB – rather than the project that must "comply with CEQA."</i>
I-4	I.C.1	Title 27 establishes standards for landfill siting, fire control methods, landfill gas capture, composting, water quality monitoring, closure and post-closure maintenance of landfills, and handling and cover of waste, among other things. This Title also requires that operators of solid waste landfills demonstrate the availability of financial resources to conduct closure activities and requires them to establish a post-closure maintenance fund with the RWQCB.
	Comment 2	<i>We suggest revising the last sentence to read: "This Title also requires that operators of solid waste landfills demonstrate the availability of financial resources to fund (a) closure, (b) post-closure maintenance and (c) if needed, corrective action." The CIWMB has regulatory oversight for financial assurance for postclosure maintenance, not the RWQCB. Additionally, there are several acceptable financial assurance mechanisms for postclosure maintenance. A fund is just one of them.</i>
I-4	I.D	<b>Project Proponent: Cold Canyon Landfill, Inc.</b>
	Comment 3	<i>The correct corporate name is Cold Canyon Land Fill (two words), Inc. The facility is Cold Canyon Landfill (one word).</i>
II	II.F	<b>Table II-2</b>
	Comment 4	<i>The text in the table does not always match the text in the body of the DEIR. It is suggested that the table text (as well as the text in Table VIII-1) and the DEIR body text be checked for consistency.</i>
	Comment 5	<i>For AG Impact 2, the second ("Short/Long Term") and fourth ("Residual Impact") boxes need to be filled in.</i>
	Comment 6	<i>For AES Impact 8, a superfluous "a." should be deleted at the end of the first box in the "Mitigation Measure Summary" column.</i>
II-2	II.D	<b>A complete list of acronyms used in this EIR is provided in Appendix G.</b>
	Comment 7	<i>This sentence should be edited to read as follows: "A complete list of acronyms used in this EIR is provided in Appendix H."</i>
III-2	III.C.1	<b>The facility accepts nonhazardous residential, commercial, and industrial wastes.</b>

Page #	Section	Paragraph
		Hazardous wastes are not accepted at the facility with the exception of household hazardous wastes such as paint, cleaning products, and pesticides. These, along with universal waste and electronic wastes such as television sets and computers, are accepted at the household hazardous waste facility and universal and electronic waste recycling center located within the Resource Recovery Park.
	Comment 8	<i>The terms universal waste and electronic wastes should be defined.</i>
III-9	III.C.1.a.1)	Specific assumptions regarding daily use of heavy equipment at the Landfill is included in Appendix F.
	Comment 9	<i>This sentence should be edited to read as follows: "Specific assumptions regarding daily use of heavy equipment at the Landfill are included in Appendix B."</i>
III-9	III.C.1.a.2	The side slopes and base of each module are lined with a composite liner. The first component of the liner is a geosynthetic clay layer consisting of two synthetic fabrics stitched together and filled with very low permeability clay, such as bentonite. Over this layer, a 60-mil (approximately 0.06 inch), high-density polyethylene (HDPE) secondary plastic (geomembrane) liner is installed (refer to Figure III-6). The plastic liner, which is chemical resistant to corrosion and damage, is then welded together and tested to ensure a continuous seal. State and Federal standards are used in testing the liner system for competence. Heavy equipment use during module lining is limited to avoid damaging the liner system.
	Comment 10	<i>There are no state or federal standards for testing lining system competence. A construction quality assurance monitoring plan is prepared for each construction project for review and approval by the RWQCB. The plan establishes what tests are to be performed, testing frequency, and acceptable results.</i>
III-12	III.C.1.d	The MRF processes up to eighteen tons per hour of glass, plastic, paper, cardboard, aluminum, tin, and other metals. Processing occurs from 7:30 a.m. to 4:30 p.m., seven days a week.
	Comment 11	<i>Currently, the MRF operates 5 days per week.</i>
III-13	III.C.1.e.2.a	Starting in 1996, the facility began the above described composting operation. An Odor Minimization Plan was prepared in 2003 and updated in 2007.
	Comment 12	<i>The correct name for the required odor plan is Odor Impact Minimization Plan (OIMP).</i>
III-16	III.C.2	Table III-1
	Comment 13	<i>Add the Compostable Material Handling Permit (40-AA-0017) approved in December 2004. The MRF is not part of either SWFP (Landfill or Compost) but is currently operating as a "Recycling Center" exempted from state permits.</i>
III-16	III.C.2.a	The Conditional Use Permit for the proposed project would replace all of the existing separate permits for the landfill, CO and the MRF, so that the landfill would operate under one permit.
	Comment 14	<i>The sentence should be modified to read "The Conditional Use Permit for the proposed project would replace all of the existing separate County permits for the landfill, CO and the MRF, so that the landfill would operate under one County permit." This consolidation of permits for the landfill, CO and MRF may also occur at the other permitting agencies.</i>

Page #	Section	Paragraph
III-16	III.D	The proposed project includes the following nine primary components. These components are described in detail in the sections below:
	Comment 15	<i>The sentence should be modified to read "The proposed project includes eight major components, plus some miscellaneous improvements, described in detail in the sections below:"</i>
III-23	III.D.1	Table III-2
	Comment 16	<i>The facility footprint is proposed to increase from 121 to 209 acres, not the landfill footprint. The landfill footprint is proposed to increase from 88 to 134 acres, a 46-acre increase.</i>
III-23	III.D.1	The disposal area capacity is expected to increase by approximately 13.1 million cubic yards. This increase would extend the expected disposal life of the Landfill by approximately 25 years based on the annual growth in disposal services over the last five years. The applicant has estimated that there is currently approximately eight years of capacity remaining; therefore, the proposed project would potentially accommodate waste disposal needs until approximately the year 2040.
	Comment 17	<i>It should be noted that the life of the landfill is highly dependent on population growth, economic conditions, development activity, and diversion programs within the service area. As a result, it is difficult to project the disposal life of the Landfill.</i>
	Comment 18	<i>The County's requirement to maintain 15 years of disposal capacity should be discussed when referencing the landfill's remaining site life.</i>
III-23	III.D.5	Expansion and Enhancement of Materials Recovery Facility (MRF)
	Comment 19	<i>The expansion of the MRF would include "commercial waste" recycling, that is being mandated by the state as part of the CARB Scoping Plan to reduce GHG. Regulations should be adopted by 1/2011. With the commercial waste recycling, a Full Solid Waste Facility Permit will need to be issued for the MRF (unless permitted with the landfill), as the current MRF is exempt from state permitting because of the "Recycling Center" status for primarily processing residential curbside materials.</i>
III-29	III.D.11	Table III-6
	Comment 20	<i>The 428,000 cubic yards of fill shown for Module 8 Daily and Intermediate Cover is included in the 2,742,700 cubic yards of Daily and Intermediate Cover above. The total fill quantity should be 3,572,100 cubic yards.</i>

Page #	Section	Paragraph
III-30	III.E	The CIWMB is considered a Responsible Agency under CEQA and would rely on this EIR to issue a revised SWFP.
	Comment 21	<i>We suggest editing this sentence to read: "The CIWMB is considered a Responsible Agency under CEQA and would rely on this EIR either to (a) issue either a revised SWFP for the Landfill, (b) issue a revised SWFP for the CO, and a new SWFP for the MRF and the RRP, or (c) consolidate all of the solid waste handling activity under one revised SWFP."</i>
IV-1	IV-B	Surrounding Land Use
	Comment 22	<i>The Darway Property, which is located on Highway 227, immediately adjacent to the Expansion Area (and between Highway 227 and that Property identified as APN 044-261-039) was formerly used as an unpermitted industrial site for the construction of cell towers. The facilities that were used for that purpose are shown in the far north corner of the Darway Property in Figure IV-1 at page IV-3, and can also be seen more clearly in the photograph found at Page III-5, Figure III-17.</i>
IV-5	IV-C.2	The following is a summary of relevant land use planning documents that include policies that affect the project area. Table IV-1 lists applicable policies from these documents and provides a consistency determination."
	Comment 23	<i>The Table referenced should be Table IV-3</i>
V-10	V-A.6.a	Permanent and temporary access roads and slope benching for drainage purposes would be highly noticeable and would contribute to the unnatural appearance of the disposal area in the short- and long-term. Concrete lined drainage swales would be seen as contrasting elements from great distances. Visibility of on-going construction activities would increase noticeability of the engineered landforms throughout the life of the proposed project (refer to Figure V.A.-5).
	Comment 24	<i>It is unlikely that the concrete-lined drainage swales on the benches could be seen. The benches are horizontal elements that slope into the landfill. The drainage swales would be located at the inward edge of the bench at an elevation lower than the outward edge of the bench. It is unlikely that the concrete-lined drainage swales on the benches could be seen. AES Impact 1 and associated mitigation measures should be reconsidered in light of the drainage swales not being visible.</i>
V-11	V.A.6.a	AES/mm-3: a. All slopes constructed by the project shall be contour-graded and shall include variable slope angles ranging from 2:1 to 4:1 or flatter to reduce the uniform appearance of the embankments.
	Comment 25	<i>This proposed mitigation measure would significantly impact landfill capacity and should be reconsidered in light of the project objective of optimizing fill space on the project property. The Redesigned Project Alternative, shown in Figure VI-1, does not incorporate variable slope angles.</i>

Page #	Section	Paragraph
V-12	V.A.6.a	AES/mm-3: c. All interim (five years or more) and finished slopes shall include 50 percent native shrubs in the erosion control seeding mix. Native shrubs shall include at least three different species and shall be the type found in the surrounding natural landscape.
	Comment 26	<i>The type of vegetation used on the landfill final cover is limited by the soil thickness of the final cover. A final cover meeting the Title 27 prescriptive design standard would have a 1-foot soil thickness above the impermeable geomembrane layer. This thickness will limit the type of vegetation used. An alternative is to require final cover vegetation to include native and naturalized annual grassland with native wildflowers that include lupines and California poppies, with patches of blue-eyed grass, and shallow-rooted perennials.</i>
V-12	V.A.6.b	The CO is proposed to increase in size from 12 to 23 acres. The CO, which would include the placement of windrows approximately seven feet tall and 18 feet wide, would be relocated to the "top deck" of the Landfill (refer to Figure III-8).
	Comment 27	<i>In the case that ASP is implemented in the future, ASP piles are typically 12 feet to 15 feet high.</i>
V-13	V.A.6.b	AES/mm-4: b. The berm shall be contour-graded, use slope-rounding, be continuous, and include a variable height profile ranging from ten to 25 feet above the adjacent grade of the top deck.
	Comment 28	<i>Installing a 10 to 25-foot tall berm on the top deck is infeasible. A berm just around the compost area of the top deck would use approximately 4.3 acres which would eliminate close to 20% of the useable area. If required, there would need to be breaks in the berm to allow vehicle access to the compost area and possibly for drainage.</i>
V-13	V.A.6.b	AES/mm-5: Within one year of issuance of the grading permit, the berm required by AES/mm-4 shall be constructed.
	Comment 29	<i>The top deck, as shown in Figure III-9, will not exist one year after issuance of the initial Notice to Proceed. The existing top deck is not large enough to accommodate the compost operation. Module 10, when filled, will add to the top deck, but it still will not be large enough to accommodate the compost operation. The top deck will not be large enough to accommodate the compost operation until some time after Modules 11 and 12 are filled. The plan would be to start the relocation of the compost operation just prior to the excavation of Module 13. This mitigation measure, therefore, should be adjusted accordingly.</i>
V-13	V.A.6.b	Residual Impact: The composting material emits steam during the process. In addition, the CO includes use of the compost turner and heavy trucks to deliver raw materials and haul compost away, all of which emit smoke while operating.
	Comment 30	<i>Remove reference to "smoke" should be "exhaust".</i>
V-14	V.A.6.c	AES/mm-7: Trees and shrubs associated with RRP landscaping shall be maintained in perpetuity.
	Comment 31	<i>A more reasonable requirement would be to maintain the trees and shrubs during the operating life of the RRP.</i>
V-14	V.A.6.d	Expansion and enhancement of the MRF would involve increasing the square footage of

Page #	Section	Paragraph
		the processing building from 55,000 to 65,800 square feet (refer to Figure III-8). The new construction would have a maximum height of approximately 40 feet, similar to the existing building. Covered outdoor storage and an office building would also be included. Due to existing and proposed topography and vegetation, the expanded MRF would only be partially visible when viewed from Highway 227 near the new entrance road. Construction of the proposed stockpile south of the relocated entry road would in time entirely block views to the MRF (refer to Figure V.A.-9).
	Comment 32	<i>Temporary uncovered storage of recovered materials may occur during the dry season (due, for example, to temporary low commodity pricing or non availability of markets), but any material so stored would be covered with tarps during the rainy season.</i>
V-15	V.A.6.e	The expansion of existing Stockpile 3 at the northern portion of the project would be seen from locations on northbound Corbett Canyon Road. From this viewpoint, the deposition and removal construction activities associated with the stockpile would draw attention to the proposed project and would contribute to the engineered appearance of the project. After the closure of the Landfill and stockpiles, Stockpile 3 would contribute to the unnatural appearance of the land form due mostly to its uniform south facing slope.
	Comment 33	<i>At closure, Stockpile 3 would either be gone or greatly reduced in size. In either case, the stockpile would be much less visible. Additionally, the proposed landfill expansion onto the Weir property would block much of the south-facing slope of the stockpile, if the stockpile was not gone at closure.</i>
V-15	V.A.6.e	AES/mm-10: a. All stockpiles shall be contour-graded and shall include variable slope angles to reduce the uniform appearance of the embankments.
	Comment 34	<i>Contour grading and variable slope angles will decrease the capacity of the stockpiles. To provide the same capacity, it will be necessary to increase the footprint of the stockpiles and/or increase the height, and/or create additional stockpiles.</i>
V-21		Figure V.A-1
	Comment 35	<i>The reference to a landing strip on this Figure is antiquated and miss-leading. That landing strip was abandoned years ago, prior to the sale of that property to the current owners in 1994.</i>
V-51	V.B	Agricultural Resources
	Comment 36	<i>This section should address the following: The majority of the compost produced by the CO is sold into the agricultural market. Adding compost to agricultural soils has been shown to increase organic matter, increase water holding capacity, decrease soil bulk density, and sequester soil carbon among other benefits. All of these are important benefits of adding compost to local San Luis Obispo County soils. By improving overall soil structure, compost potentially allows growers to use less water and to use the water they do use more effectively. Although specific metrics for potential water savings are not well-documented and depend on a number of site specific variables, adding compost to agricultural soils will definitely increase the water holding capacity of the soil it is applied to. Using compost can also reduce erosion, preserving San Luis Obispo soils for future generations. This benefit was highlighted in a recent publication "California Water Stewards: Innovative On-Farm Water Management Practices" (can be provided upon request).</i>

Page #	Section	Paragraph
V-80	V.C.5.a.1(d)	<p>There would be periods where module excavation rate would exceed the rate at which material is needed for cover. In these cases, material would be stockpiled for later use. During these periods, daily earthwork may exceed the 956 cy average described above. To estimate a "reasonable worst-case scenario" for the period during which the accelerated excavation was occurring, the following scenario was developed:</p> <ul style="list-style-type: none"> <li>• Daily, intermediate, and final cover activities would occur consistently over the life of the landfill, resulting in 426 cy of earthwork per day (3,991,600/26yrs/360 days per year).</li> <li>• Each module would require an average of 428,400 cy of cut (2,998,800/7 modules).</li> <li>• 25 percent of that excavated material, 107,100 cy would be cut and stockpiled (214,200 cy of total earthwork) at an accelerated rate to ensure that the new module is ready to accept refuse before capacity is met within the existing module.</li> <li>• This accelerated excavation would occur over a period of 100 days (five months, five days per week). This rate is based on the excavation of Module 6, which included 500,000 cy of cut and took approximately six months of mass, or "accelerated," grading (Padre, 2008).</li> </ul>
	Comment 37	<i>It is unclear whether the impact analysis is assessing the incremental impacts associated with the proposed project or the impacts associated with the existing project and the proposed project. For example, placement of daily, intermediate, and final cover, and module excavation are part of the existing project. The impact analysis should evaluate the incremental impacts associated with the Proposed Project.</i>
	Comment 38	<i>The 6-months noted for Module 6 is likely the total construction period, not the amount of time needed for excavation. Assuming an excavation rate of 2,142 cubic yards per day (Table V.C.-6) is unrealistically low. Although the excavation rate is dependent on the resources utilized by the contractor and contract requirements, a more realistic excavation rate is on the order of 6,000 to 8,000 cubic yards per day.</i>
V-81	V.C.5.a.1(d)	AQ/mm-1: Prior to commencement of mass grading for module excavation, the applicant shall submit a Construction Activities Management Plan for review and approval by the SLOAPCD. This plan shall include, but not be limited to, the following Best Available Control Technology for diesel-fueled construction equipment.
	Comment 39	<i>We suggest adding a sentence explaining that "Best Available Control Technology" is defined in Section 6.3 of the SLOAPCD CEQA Air Quality Handbook.</i>
V-82	V.C.5.a1)(d)	AQ/mm-1: f. Electrify equipment where possible; g. Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), bio-diesel, or propane for on site mobile equipment instead of diesel-powered equipment.
	Comment 40	<i>Item f should be modified to be in conformance with SLOAPCD guidance as follows: Electrify equipment where feasible.</i>
	Comment 41	<i>Item g should be modified to be in conformance with SLOAPCD guidance as follows: Use Compressed Natural Gas (CNG), liquefied natural gas (LNG), bio-diesel, or propane for on site mobile equipment instead of diesel-powered equipment where feasible.</i>
V-83	V.C.5.a.2	AQ/mm-3: Prior to issuance of the grading permit, the following mitigation measures shall be shown on all project plans and implemented during daily activities to reduce PM <sub>10</sub> .

Page #	Section	Paragraph
		<p>emissions during earth moving activities:</p> <p>c. All dirt stockpile areas shall be sprayed daily as needed. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.</p> <p>h. All trucks hauling dirt, sand, or other loose materials are to be covered or shall maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.</p>
	Comment 42	<i>With respect to AQ/mm-3.c, Watering as noted in AQ/mm-3b and stabilizing as noted in AQ/mm-3e adequately address mitigation to reduce PM<sub>10</sub> emissions. Re-vegetation in areas to be reworked greater than one month after initial grading is unnecessary and has the disadvantage of increasing water demand. Additionally, the need to clear and grub these vegetated areas will potentially increase dust generation, handling of additional material, and increased soil excavation.</i>
	Comment 43	<i>With respect to AQ/mm-3.h, it should be applied to vehicles traveling on public roads only. It is not practicable to apply it to scrapers hauling soils on-site.</i>
V-87	V.C.5.b.4	Odors were considered one of the significant issues discussed by neighbors of the Landfill at the EIR scoping meeting. Odor complaints were focused on the Compost Operation (CO), and neighbors suggested that odors are most offensive during warmer weather periods and/or when the compost rows are turned. Odors may also be produced by decomposing waste in the working face of the disposal areas, although these are minimized through application of daily cover. The prevailing winds at the site are from the north and west, and as a result odors are most noticeable to residents living south and east of the Landfill. Based on comments at the scoping meeting, residents that find the odors a nuisance are located as far as one mile or more south of the existing CO location. The number of comments received regarding odors makes it likely that they would be considered a "nuisance" using the CIWMB definition provided in the Regulatory Setting description of this chapter.
	Comment 44	<i>There have been few odor complaints made to the SLOAPCD or the CIWMB.</i>
V-88	V.C.5.b.4	AQ/mm-6: The applicant shall continue to use Best Management Practices to minimize odorous gas generation, and shall implement the following odor control procedures throughout the life of the operation as long as the tonnage remains at 300 tpd or less.
	Comment 45	<i>The text should be edited to clarify that the 300 tpd applies to the Compost Operation.</i>
V-88	V.C.5.b.4	AQ/mm-6: Good Housekeeping Procedures - The landfill operator shall implement the following housekeeping and operational procedures: b. If ponding occurs after a rain, the puddles shall be treated with lime or other suitable material and the feature causing the ponding shall be eliminated.
	Comment 46	<i>Ponding over buried waste is prohibited by RWQCB issued WDRs. Treating with lime is therefore not an acceptable practice. Standard practice is to remove the standing water and eliminating the feature causing the ponding.</i>
V-89	V.C.5.b.4	AQ/mm-7: To minimize additional odors that may be generated by the expanded CO, once the amount of material to be processed exceeds 300 tpd, the applicant shall

Page #	Section	Paragraph
		<p>implement a covered ASP (aerated static pile) composting system. The ASP system shall be implemented for all processed material beyond 300 tons per day, at minimum. The ASP shall include use of an aeration system that allows the use of biofilters to control odors.</p>
	<p><b>Comment 47</b></p>	<p><i>The requirement to implement ASP above 300 tons per day at the CO as an odor mitigation is an arbitrary limit (not scientific based) which appears solely related to the CO's current entitlement of 300 tons per day and not related to odors. While we agree that aerated static pile composting can provide increased control of odors for certain feedstocks (e.g., biosolids and/or food scraps), this is also true of other technologies, two of which were identified in the DEIR (bags and in-vessels). Currently, aerated static pile composting is used primarily for biosolids and/or food scraps composting in CA. There are few, if any commercial composting facilities in CA using aerated static pile composting for green material only and there is insufficient literature/studies documenting ASP as an effective method of reducing odors from green-waste-only composting operations.</i></p> <p><i>Senate Bill 88 (Costa, Statutes of 2001) defines the authority over odor complaints at composting sites as clearly resting with the Local Enforcement Agency (LEA). In San Luis Obispo County the LEA is the California Integrated Waste Management Board (CIWMB). The CIWMB has promulgated regulations which require the operator of a compost facility to "prepare, implement, and maintain a site-specific Odor Impact Minimization Plan (OIMP)". The Cold Canyon Compost Facility has had an OIMP in place since 2003. The OIMP process is designed to be iterative. If and when a complaint is made, an investigation is started to identify the specific source of the odor so that management practice can reduce or eliminate the odor. The OIMP prescribes that corrections must be continually made until the odors are corrected and the complaints stop. Thus, there is a constant feedback loop between complainant, LEA, and facility. This is a proven process that has worked statewide to dramatically reduce odors from compost facilities.</i></p> <p><i>Composting of higher odor potential feedstocks (e.g., biosolids and/or food scraps) is included in the proposed project. These feedstocks would initially be composted on a trial basis using windrows. The biosolids compost pad will be distinct and separate from the green waste compost pad – to keep an OMRI certification for the local organic farmers. Should odors necessitate mitigation, other technologies such as ASP, bag and in-vessel will be evaluated, field tested and implemented.</i></p> <p><i>We do not agree that ASP should be required above the arbitrary limit of 300 tons per day. Moving to ASP or other odor mitigation technologies/measures should be predicated on actual compost facility odor issues and implemented as part of the OIMP.</i></p>

Page #	Section	Paragraph
V-95	V.D.1.e	An area of coast live oak woodland adjacent to the former vineyard site includes over 30 coast live oak trees averaging 16 inches diameter at breast height (dbh). These trees range from six to 73 inches dbh.
	Comment 48	<i>The second sentence should read, "These trees range from 5 to 56 inches in diameter for individual trunks, and 9 to 73 inch cumulative diameter at breast height (dbh) where more than one trunk is present."</i>
V-111	V-D.6.d	BR/mm-6 - To guarantee the success of the riparian and wetland mitigation, prior to issuance of the Notice to Proceed, the applicant shall post a bond with the County Department of Planning and Building in the amount determined in BR/mm-6, number 7.
	Comment 49	<i>The mitigation measure referenced at the end of the sentence above should be BR/mm-5.</i>
V-117	V.D.6.d.2	BR/mm-14 states that mitigation shall be off site.
	Comment 50	<i>We recommend that an area not proposed for disturbance be identified on plans, and used for on site mitigation of Obispo Indian Paintbrush. The mitigation site should be located west and north of Module 10, outside of proposed disturbance and the mitigation plan revised accordingly.</i>
V-125	V.E.3	AB 32 requires state agencies to take actions that will reduce 2020 GHG emissions to those of 1990, and then substantially further reduce emissions by 2050. To achieve the intermediate goal of 2020, it seems reasonable for existing projects that may result in substantial GHG emissions, such as at the level of a landfill, to be held to a net increase of zero new emissions.
	Comment 51	<i>It was noted earlier in this section that the California Air Pollution Control Officers Association was considering draft guidance that would establish a reasonable significance threshold of 900 tons per year emissions increase compared to "business as usual" levels. This standard should be used here.</i>

Page #	Section	Paragraph
V-126	V.E.4	GHG emissions resulting from current Landfill activities in 2007 are used as the baseline emission rate. These emissions were calculated by the Shaw Group for Waste Connections and supplied to the EIR preparer.
	Comment 52	<i>The methodology for estimating GHG emissions continues to evolve. Since the calculation of GHG emissions by the Shaw Group, the industry has adopted a landfill GHG emissions methodology prepared by the Solid Waste Industry for Climate Solutions (SWICS). The methodology is contained in the document entitled "Current MSW Industry Position and State-of-the-Practice on LFG Collection Efficiency, Methane Oxidation, and Carbon Sequestration in Landfills (Version 2.2, revised January 2009). This document is available upon request. The SWICS methodology represents the most up-to-date and site-specific method for completion of GHG emission estimates due to LFG. SCS has re-estimated GHG emissions from the landfill using this methodology (letter report attached). In this letter report, SCS also estimates GHG emissions avoided by displacing natural gas with LFG at the Price Canyon Oilfield which were not estimated in the DEIR. The GHG reductions due to recycling were also not addressed in the DEIR. Attached is a letter report from Total Compliance Management (TCM) which provides an estimate of the greenhouse gas benefits resulting from facility recycling practices both existing and proposed at the Cold Canyon Landfill. Based on these two letter reports, the existing and proposed Cold Canyon Landfill should be considered carbon neutral or better as related to GHG emissions. GHG Impact 1 (page V-128) is, therefore, incorrect and the associated mitigation measures unnecessary.</i>
V-126	V.E.5	Landfill methane emissions are such a significant source of GHGs that controlling emissions on smaller (currently uncontrolled) landfills has been chosen for early implementation by the ARB (about 100 potential controls were screened and three were chosen for this program). Because the Landfill already has an engineered methane collection system, it will not be targeted in the current ARB effort.
	Comment 53	<i>Even though the landfill has an engineered methane collection system, it will be subject to the AB 32 rule for landfills and have to achieve compliance by 2012.</i>
V-126	V.E.5.a	In the early 1990s Landfill operators anticipated legislation (Title V of the 1990 Federal Clean Air Act) requiring landfill gas capture and installed a capture system.
	Comment 54	<i>Title V is merely a facility-wide operating permit program, which does not create control requirements for any specific source category. Rather, the draft NSPS rule for landfills was promulgated in 1991 and later made final in 1996. The Cold Canyon Landfill is subject to the NSPS and complies with it with the existing LFG system, which has the added benefit of GHG reductions.</i>
V-128	V.E.5	Potential GHG Control Strategies <b>c. Development of Onsite Renewable Energy</b>
	Comment 55	<i>Under the listings for renewable energy, the expansion of the existing LFG recovery project and/or the installation of a new LFG-to-energy facility should be included as an option for renewable energy, which would be more suitable to a landfill site.</i>
V-142	V.F.2.e	Area 1 is located along the banks of the ephemeral drainage on the eastern edge of the proposed disposal area. No specific resources were identified in this area during surface surveys; however, personal communication with former landowners indicates that

Page #	Section	Paragraph
		significant archaeological resources have been discovered in the area.
	Comment 56	<p><i>In preparing a Draft EIR, the lead agency is required to determine whether the project will have a significant effect on "unique archaeological resources" [California Public Resources Code Section 21083.2]. If an archaeological site meets the definition of a unique archaeological resource, then the site must be treated in accordance with the special provisions for such resources, which include time and cost limitations for implementing mitigation. "Unique archaeological resource" is defined as "an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets the following criteria:</i></p> <ul style="list-style-type: none"> <li>• <i>Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.</i></li> <li>• <i>Has a special and particular quality such as being the oldest of its type or the best available example of its type.</i></li> <li>• <i>Is directly associated with a scientifically recognized important prehistoric or historic event or person. [Public Resources Code Section 21083.2 (g)]"</i></li> </ul> <p><i>The anecdotal information included in the Draft EIR provides no evidence that resources that may be located in Area 1 meet the definition of a unique archaeological resource included in PRC 21083.2. Because there is no such evidence, the Draft EIR should conclude there is no significant impact and no mitigation measure is needed .</i></p>
V-142	V.F.2.e	Area 2 is associated with the location of the first Weir residence built on the site, in 1903. It included a stacked foundation, the remnants of which still exist. This site, because of its age and association with known persons, is considered significant.
	Comment 57	<p><i>As specified in Section 15064.5 of the State CEQA Guidelines, an historic resource is considered to be historically significant if it, "a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; b) Is associated with the lives of persons important in our past; c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or d) Has yielded, or may be likely to yield, information important in prehistory or history." Generally, a resource listed or determined to be eligible for listing in the California Register of Historical Resources is considered to be an historic resource. The Draft EIR concludes that the Weir residence is significant because of its age and association with known persons. However, no evidence is provided that this residence meets the criteria included in Section 15064.5 or more specifically that the residence is associated with the lives of persons important in our past. Because there is no such evidence, the Draft EIR should conclude there is no significant impact and no mitigation measure is needed</i></p>
V-142	V.F.2.e	Area 3 is associated with Bertha and Casper Weir's 1916 residence. This was a long time residence for the family and artifacts discovered would meet CEQA significance criteria because of its age and association with known persons.
	Comment 58	<p><i>No evidence is provided that this residence meets the criteria included in Section 15064.5 or more specifically that the residence is associated with the lives of persons important in our past. Because there is no such evidence, the Draft EIR should conclude there is no significant impact and no mitigation measure is needed.</i></p>

Page #	Section	Paragraph
V-142	V.F.2.e	Area 4 is associated with a barn also built in 1916. The barn and adjacent area is the location of a large trash deposit and may have been the ranch dump for the first part of the 20 <sup>th</sup> century. Artifacts recovered from this area would meet CEQA significance criteria because of its age and association with known persons.
	Comment 59	<i>No evidence is provided that this barn meets the criteria included in Section 15064.5 or more specifically that the barn is associated with the lives of persons important in our past. Because there is no such evidence, the Draft EIR should conclude there is no significant impact and no mitigation measure is needed.</i>
V-143	V.F.2.e	AR/mm-1
	Comment 60	<i>As specified in PRC 21083.2, if it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment are described in the code. To the extent that unique archaeological resources are not preserved in place or left in an undisturbed state, mitigation measures shall be required as provided in the code. However, the code specifically limits the mitigation requirements of the project applicant. PRC 21083.2(c) states that the project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. PRC 21083.2(e) states that in no event shall the amount paid by the project applicant for mitigation measures required pursuant to subdivision (c) exceed an amount equal to one-half of one percent of the projected cost of the project for mitigation measures taken within the site boundaries of the project. The code also places limitations on the extent and timing of mitigation measures that can be required by the lead agency. As noted above, no mitigation measures are needed. If they were needed, they should be modified to reflect these California Public Resource Code requirements.</i>

Page #	Section	Paragraph
V-159	V.G.1.c.2	Slope stability analyses were performed for the proposed expansion area by Shaw Environmental, Inc. (Shaw, 2007). The analyses were performed for both permanent waste slopes (global slope stability) as well as interim waste slopes within the modules (interim slope stability), under both static and seismic conditions. The most critical slopes for the interim and permanent waste slopes were identified, and analyses conducted to evaluate slope stability. Based upon the results of the interim slope stability analysis, a reduction of the maximum waste elevation for interim slopes from 413 feet to 340 feet was recommended, unless the geosynthetic clay liner (GCL) was encapsulated with a second geomembrane layer. It was also recommended that maximum interim waste sideslopes not exceed 3.5 horizontal to one vertical. Based upon the results of the global slope stability analysis, it was recommended that to limit permanent displacements to less than one foot under seismic conditions, the GCL at the toe area of the western and southern perimeters of the expansion area should be encapsulated with a second geomembrane layer for a distance of 200 feet from the toe of the slope; the GCL on the sideslope should also be encapsulated. Minimum shear strength criteria for liner systems to be used in conjunction with the encapsulated GCL were also provided.
	Comment 61	<i>As stated in the slope stability analysis, the analysis was performed to comply with the requirements for either a Class II or a Class III landfill. The seismic design requirements for a Class II landfill are more stringent than for a Class III landfill. The seismic slope stability analysis in the report was based on the worst case condition, assuming a Class II landfill. The recommendation regarding encapsulating the GCL at the toe area is only applicable if the landfill were to be permitted as a Class II landfill. The proposed project is for a Class III landfill, not a Class II landfill. Accordingly, there is no need to encapsulate the GCL for the proposed project.</i>
V-162	V.G.1.d.4	As discussed previously, slope stability analyses were performed for the proposed expansion area by Shaw Environmental, Inc. (Shaw, 2007). The analyses were performed for both permanent waste slopes (global slope stability) as well as interim waste slopes within the modules (interim slope stability) under both static and seismic conditions. Under seismic conditions, a potential for seismically-induced slope failure was found to exist and recommendations for mitigation were provided in the report.
	Comment 62	<i>As noted in the comment on Page V-159, the recommendations in the slope stability analysis are based the maximum credible earthquake for a Class II landfill. The recommendations are not applicable to a Class III landfill. Generally, a permanent displacement of 12 inches or less is considered acceptable by regulatory agencies. The predicted permanent displacement is less than 1 inch for interim slopes, based on the maximum probable earthquake, which is the design standard for Class III landfills, and less than 1 inch for final slopes, based on the maximum credible earthquake, which is the design standard for Class II landfills. Therefore, the impact is insignificant and no mitigation measure is needed.</i>
V-165	V.G.5.a.2	Estimated earthwork quantities are approximately 3,572,200 cubic yards of fill, and 3,878,600 cubic yards of cut. These quantities are not equal for a number of reasons, including onsite topography and the project design. However completion of Module 8, which is currently being filled, will require an additional approximately 400,000 cubic yards of fill. With that additional fill requirement, plus the unknowns of final compaction, the precise sizes of stockpiles and drainage basins, it is likely that total cut and fill

Page #	Section	Paragraph
		activities would approximately "balance" by the time the Landfill reaches full capacity and is ready for closure.
	Comment 63	<i>The total fill quantity of 3,572,200 cubic yards includes daily and intermediate cover for Module 8.</i>
V-165	V.G.5.a.2	A potential for slope instability may exist where grading for the Landfill expansion would result in excavation into the existing fill along the northeastern side of the existing disposal area.
	Comment 64	<i>No excavation into the existing fill along the northeastern side of the existing disposal area is proposed.</i>
V-166	V.G.5.a.3	GEO/mm-2: Prior to issuance of the grading permit, a sedimentation and erosion control plan shall be submitted for review and approval by the Departments of Planning and Building, and Public Works. The plan shall address erosion control during all phases of grading. Drainage shall discharge in a nonerosive manner away from improvements and, where slopes are present, away from the toes of the slopes. The applicant shall also provide verification of continued compliance with NPDES requirements, and provide a copy of the approved SWPPP, as applicable.
RDH	Comment 65	<i>This mitigation measure requires the submittal of the approved SWPPP. SWPPPs are not approved.</i>
V-169	V.G.5.b.2	GEO/mm-6: Plans for structures that shall be designed in accordance with the seismic parameters presented in the soils engineering report and the applicable sections of the California Building Code.
	Comment 66	<i>The sentence should be modified as follows: Plans for structures shall be designed in accordance with the seismic parameters presented in the soils engineering report and the applicable sections of the California Building Code.</i>
V-169	V.G.5.b.3	GEO/mm-7: Plans for landfill expansion modules shall be in accordance with the recommendations presented by Shaw Environmental, Inc (Shaw, 2007). These recommendations include, but are not limited to: <ul style="list-style-type: none"> <li>• Maximum waste elevation for interim slopes shall be 340 feet unless the geosynthetic clay liner (GCL) is encapsulated with a second geomembrane layer.</li> <li>• Maximum interim waste sideslopes shall not exceed 3.5 horizontal to one vertical.</li> <li>• Encapsulating the toe area of the western and southern perimeters of the expansion area with a second geomembrane layer for a distance of 200 feet from the toe of the slope; the GCL on the sideslope should also be encapsulated</li> </ul>
	Comment 67	<i>As noted in the comment on Page V-159, the recommendations in the slope stability analysis are based the maximum credible earthquake for a Class II landfill. The recommendations are not applicable to a Class III landfill. Therefore, and for the reasons noted above, there is no significant impact and no mitigation measure is needed.</i>
V-170	V.G.5.b.3	GEO.mm-8: Prior to issuance of the Notice to Proceed, the applicant shall submit a report(s) of slope stability analysis addressing the stockpile slopes and basins. The recommendations of the report shall be implemented during construction. The report shall include, but not be limited to, a numerical slope stability analysis under seismic

Page #	Section	Paragraph
		conditions and, for the ponds, under the conditions that would be present in the event of seepage from the ponds; and specific recommendations for stabilization, including but not limited to, decreasing slope angles, decreasing slope heights, utilization of retention systems, and slope reinforcement.
	Comment 68	<i>Risks associated with a seismically-induced slope failure of a soil stockpile or basin are minimal. It is suggested this mitigation measure be reconsidered.</i>
V-170	V.G.5.b.5	GEO Impact 10: The proposed compost runoff pond, the new detention basin, and existing basins may be impacted by seiches.
	Comment 69	<i>The potential for a seiche is extremely remote. Even if one did occur, the potential impact would be minimal.</i>
V-173	V.H.1	The Landfill is a Class III landfill which means that it accepts materials that are not required to be disposed of in a Class I or II landfill. This material is collectively referred to as "trash." Typical items include furniture, construction debris, roofing material, wood, carpet, and vegetative debris. There are a variety of items that are prohibited from disposal in the Class III landfill, such as whole tires, automotive batteries, and appliances containing refrigerant or combustible gas, such as propane. Liquid and solid hazardous wastes, such as petroleum or chemically contaminated soils, nuclear waste, and medical wastes, are not accepted at the Landfill either. The Landfill currently ensures that prohibited materials are not disposed of in the permanent disposal area through:
	Comment 70	<i>Petroleum contaminated soil if demonstrated to be non hazardous can be accepted at the landfill with RWQCB approval. Non-hazardous petroleum-contaminated soil is a state-approved type of alternative daily cover. Treated medical waste can also be accepted at the landfill.</i>
V-181	V.H.5.b	HAZ/mm-2: Prior to issuance of the Notice to Proceed, the applicant shall submit to the Department of Planning and Building, an updated litter control plan. The plan shall be approved by the Department of Planning and Building and the CIWMB, and be posted on the Landfill website. The plan shall include at a minimum: a. Descriptions of current litter control practices; b. Provisions for bi-monthly trash pick-up on neighboring properties. Residents within one mile of the landfill shall be contacted annually and provided the dates of scheduled fugitive trash pick-up for the coming year. The phone number of the litter control staff at the Landfill shall be provided. Neighbors shall be able to contact the Landfill within one week of the scheduled date, to request pick-up of fugitive trash on their property.
	Comment 71	<i>A litter control plan is not a plan required by Title 27 of the California Code of Regulations. As such, the CIWMB would have no basis to approve the plan.</i>
	Comment 72	<i>It would be helpful to list the neighboring properties that are to be included in the provision for bi-monthly trash pick-up on neighboring properties.</i>
V-182	V.H.5.c	New legislation requires that all incoming loads to the Landfill be covered with tarps or other secure materials. Those that arrive at the Landfill without their loads covered are assessed an additional fee. The CHP will also ticket vehicles that are transporting material to the Landfill uncovered. Signage at the Landfill entrance notifies the public of the new law and associated fines. The Landfill does fine members of the public that enter the

Page #	Section	Paragraph
		landfill with uncovered loads.
	Comment 73	<i>The landfill does not have the ability to fine members of the public. The landfill has a rate structure that charges higher rates for uncovered loads.</i>
V-183	V.H.5.d	Composting wood chips and green waste should greatly reduce or eliminate the potential for disease spread (Pitch Canker Task Force 2001). It does appear that pine trees on the Landfill property and on some adjacent properties are currently dying or are dead. They also appear to be exhibiting symptoms similar to those created by Pitch canker, including resinous discharges, yellow and brown needles, and dying limbs. Based on experiences with a former greenwaste and compost operation in San Simeon, Pitch canker can be spread during the processing of infected materials. It is unclear whether or not the process used to create the compost at the San Simeon site was similar to the one used at the Landfill, however it was clear that the processing led to the spread of the disease in San Simeon (Trinidad, 2008).
	Comment 74	<i>The Trinidad reference is not provided in the reference section and it is unclear whether a trained biologist evaluated the San Simeon project and concluded that Pitch canker can be spread during the processing of infected materials. In any event, no causal connection has been demonstrated between the Pitch canker and the distressed pine trees on the Landfill property (refer to the attached field memo from Althouse and Meade).</i>
V-184	V.H.5.d	HAZ Impact 3: Increasing greenwaste and compost processing would result in the potential increased local distribution of Pine pitch canker to adjacent, downwind properties and the spread of Sudden Oak Death. Mitigation: Implement AQ/mm 2, 3, 4, and 7.
	Comment 75	<i>As stated in the DEIR on page III-13, "these diseases would be destroyed by the composting process, although there would be periods during delivery and initial processing of the greenwaste, during which the diseases could be spread." The initial processing step refers to grinding which is a source of fugitive dust. AQ/mm 2, 3, 4 all address fugitive dust generation and are, therefore appropriate for dealing with this impact. AQ/mm 7 requires the ASP composting technology. This mitigation should be deleted because it specifies a particular compost technology. All composting technologies are considered effective in treating these diseases. Because composting itself is only a minor source of dust compared to the grinding operation, no one composting technology should be singled out to mitigate this impact.</i>
V-186	V.H.5.f	HAZ Impact 4: Increasing waste disposal has the potential to attract birds, increasing potential hazard to San Luis Obispo Airport.
	Comment 76	<i>There is no history of bird hazards associated with the landfill. The landfill is beyond the distance where special measures or an exemption to address potential bird hazards are required. The proposed project will generally move operations further away from the airport. There is little basis for this conclusion.</i>
V-186	V.H.5.f	HAZ/mm-5: During all future operation of the Landfill, the applicant shall continue the falcon program unless another, more effective measure is implemented after approval by the County Department of Planning and Building.
	Comment 77	<i>Falcons have been shown to be an effective method of controlling sea gulls for purposes of</i>

Page #	Section	Paragraph
		<i>addressing vector and nuisance issues not airport hazards. Before the implementation of the falcon program, there was no demonstrated bird hazard. As such, a bird control program that was less effective than the falcon program could prevent a bird hazard. Requiring the continuation of the falcon program or a more effective program is not warranted in absence of a previous bird hazard.</i>
V-200	V.I.3.c	Pursuant to the <i>Noise Element</i> , the County shall consider implementing mitigation measures where existing noise levels produce significant noise impacts to noise-sensitive land uses or where new development may result in cumulative increases of noise upon noise-sensitive land uses. Significant noise impacts result when there is an increase of one or more dBA to the existing environment.
	Comment 78	<i>This threshold is inconsistent with industry standards and conflicts with the threshold of 3 to 5 dBA included in the Environmental Noise Assessment prepared by Brown-Buntin Associates, Inc. and included in Appendix E. As stated on page 3 of Appendix E, "For non-transportation noise sources, it is common to assume that a 3-5 dB increase in noise levels represents a substantial increase in ambient noise levels. This is based on laboratory tests that indicate that a 3 dB increase is the minimum change 'perceptible' to most people, and a 5 db increase is perceived as a 'definitely noticeable change.'" Therefore, a 3-to-5 dBA threshold should be applied.</i>
V-203	V.I.5.b.1	NS/mm-4: Prior to issuance of the Notice to Proceed, the applicant shall revise the proposed grading plans relocating a portion of the proposed stockpile to existing Stockpile 2, adjacent to proposed Module 10, and the remainder to existing Stockpile 3. Additional material associated with Module excavation may be temporarily stockpiled adjacent to existing Module 8 and proposed Module 11, as necessary
	Comment 79	<i>Stockpile 4, as shown, is probably larger than it will actually be. Stockpile 4 will be used to stockpile soil from module construction projects. In general, soil to support daily site operations will be obtained from the next module to be constructed in order to reduce future construction costs. Alternatively, soil from module excavation will be placed in small stockpiles near active fill areas, as has been done in the past. The areas identified as alternate stockpile locations are not very practicable and should not be stipulated in this mitigation. Stockpiling soil adjacent to existing Module 8 and proposed Module 11 will likely result in the soil being triple-handled, resulting in increased dust potential and emissions from hauling equipment. The activity at Stockpile 4 will generally be limited to those periods when module construction is occurring or final cover is being placed.</i>
V-205	V.I.5.b.2	A mitigation measure recommended in section V.A., Aesthetic Resources, would affect noise levels. This mitigation requires an earthen berm be constructed around the "top deck" of the Landfill to mitigate visual impacts associated with the engineered look of the Landfill. The berm would range in height from ten to 25 feet in height, and effectively act as a noise attenuation berm for SR-8 through 11.
	Comment 80	<i>Installing a 10 to 25-foot tall berm on the top deck is infeasible. A berm just around the compost area of the top deck would use approximately 4.3 acres which would eliminate close to 20% of the useable area. If required, there would need to be breaks in the berm to allow vehicle access to the compost area and possibly for drainage.</i>

Page #	Section	Paragraph
V-205	V.I.5.b.2	<b>NS/mm-5: Within one year of issuance of the initial Notice to Proceed, the entire Compost Operation shall be moved to the proposed new location.</b>
	<b>Comment 81</b>	<i>This mitigation measure is predicated on the following analysis included in the DEIR on page 204: "Based upon noise measurement data summarized in Table V.I.-6, the existing compost operation produces a <math>L_{eq}</math> of approximately 81 dBA at 100 feet from the tub grinder and 84 dBA at 100 feet from the Scarab row turner. Such levels are comparable to those produced by the heavy equipment used at the Landfill, described above. Assuming noise attenuation due to geometric spreading over distance and no topographic shielding, it is estimated that operations by the grinder and/or row turner produce <math>L_{eq}</math> values of approximately 55 to 60 dBA at SR-2 through 6." The resulting noise impact (NS Impact 2) was as follows: "Noise levels from the proposed Compost Operation would exceed the County's <math>L_{eq}</math> standard of 50 dBA at the nearest property line." These <u>estimates</u> of <math>L_{eq}</math> values appear to over-state the <u>actual</u> noise impacts documented in the Environmental Noise Assessment prepared by Brown-Buntin Associates (Appendix E). On page 4 of Appendix E it is stated that "the measured hourly <math>L_{eq}</math> values for existing conditions at the 24-hour ambient noise measurement site ranged from 37 to 51 dBA during the daytime hours and from 31 to 45 dBA during the nighttime hours."</i>
	<b>Comment 82</b>	<i>The top deck, as shown in Figure III-9, will not exist one year after issuance of the initial Notice to Proceed. The existing top deck is not large enough to accommodate the compost operation. Module 10, when filled, will add to the top deck, but it still will not be large enough to accommodate the compost operation. The top deck will not be large enough to accommodate the compost operation until some time after Modules 11 and 12 are filled. The plan would be to start the relocation of the compost operation just prior to the excavation of Module 13. This mitigation measure, therefore, should be modified accordingly.</i>
V-206	V.I.5.b.3	<b>NS/mm-6: Prior to relocation of the RRP the applicant shall redesign the facility so that it is at least partially enclosed. The southwestern side may be left open to facilitate delivery and sorting of materials.</b>
	<b>Comment 83</b>	<i>The Environmental Noise Assessment prepared by Brown-Buntin Associates (Appendix E) concludes on page 13 that noise mitigation for the RRP is not required. This conclusion is based on the noise assessment associated with the nearest sensitive receptors (SR-5 and SR-6). The DEIR does not provide a noise assessment associated with the nearest sensitive receptors (SR-8 and SR-9) located to the northeast and at greater distances from the relocated RRP for which this mitigation appears to be addressing. The proposed RRP project was strategically located behind a substantial cutslope to address noise impacts to the northeast. If required, the DEIR should specify which RRP activities should be enclosed (e.g., elevated sort line, etc.) because there are numerous activities proposed for the RRP.</i>
V-207	V.I.5.b.5	<b>The FHWA Model was used to calculate hourly <math>L_{eq}</math> values for onsite traffic along the main entrance road during a peak hour. The analysis showed that the peak hour <math>L_{eq}</math> at 350 feet would be 52.6 dBA for 2031 traffic conditions.</b>
	<b>Comment 84</b>	<i>According to the data included in the Environmental Noise Assessment prepared by Brown-Buntin Associates, Inc. and included as Appendix E, the noise analysis assumes on-site traffic levels on the entrance road in the year 2031 of 4,520 average daily trips. This number of on-site average daily trips substantially overestimates the expected number and, therefore, the</i>

Page #	Section	Paragraph
		<i>project's on-site vehicle noise impacts.</i>
V-209	V.I.5.c.1	<b>NS Impact 5</b>
	<b>Comment 85</b>	<i>Because the soil would be stockpiled for extended periods and its removal would occur over a relatively short period of time, it would not be expected to expose residents to long-term construction noise.</i>
V-220	V.J.5.a	<b>Table V.J.-4</b>
	<b>Comment 86</b>	<p><i>Table V.J.-4 presents trip generation for the Proposed Project and shows an increase of 200 two-way trips per day. The basis for the 200 additional trips per day is not provided.</i></p> <p><i>The proposed project increases total facility tonnage by 880 tons per day. One way to associate this daily tonnage increase to an increase in daily traffic is to calculate a ton/vehicle factor and then apply that factor to the daily tonnage increase. A review of 2006 tonnage and traffic data, yields a tons/vehicle factor of 2.54. The existing Solid Waste Facility Permit allows up to 1620 tons and 542 vehicles. The resulting tons/vehicle factor using these numbers is 2.99. The average factor of the two calculated is 2.77 <math>[(2.54+2.99)/2]</math>. Applying this average tons/vehicle factor to the daily tonnage increase of 880, yields a daily traffic increase of 318 one-way trips or 636 two-way trips (this does not include any additional traffic associated with employees). Adding the daily traffic increase of 318 one-way trips to the existing permit limit of 542 vehicles would yield a new permit limit of 860 one-way trips.</i></p>
V-223	V.J.5.b	<b>TC Impact 1 - Development of the proposed road improvements, if not done to Caltrans standards would impact the level of service on Highway 227 at the facility entrance and may create an unsafe intersection at Highway 227 and Patchett Road.</b>
	<b>Comment 87</b>	<i>The proposed improvement is located on Highway 227, which is a State facility. Any improvements on this Highway would be required by Caltrans to comply with their standards. Therefore, mitigation measure TC/mm-1 is unnecessary</i>
V-243	V.K.5.a.4)	<b>Table V.K.-7</b>
	<b>Comment 88</b>	<i>We were unable to reproduce the quantities in the table. Based on Footnote 1, the quantities represent average daily demand from Table V.K.-5. Using the quantities from Table V.K.-5, the average daily demand would be 33.7 afy <math>[(5 \times 46.6 + 2 \times 1.5)/7 = 33.7]</math>. Even using the maximum from Table V.K.-5, the average daily demand would be 39.6 afy.</i>

Page #	Section	Paragraph
V-243	V.K.5. WR/mm-2	To ensure the Landfill can meet demands during peak use periods from their onsite system, prior to issuance of the initial Notice to Proceed, Weir Well #3 or an equivalent water source shall be brought online. The additional well shall be capable of sustained pumping of approximately 16 gpm. Verification of capacity shall be in the form of a 72-hour pump test. This mitigation does not preclude the applicant from using winery wastewater to the extent it is suitable for dust control, and available.
	Comment 89	<p><i>The need for demonstrating a sustained pumping rate of 16 gpm from Well #3 does not appear to be based on water supply needs as presented in the text and tables of section V.K.5. The 16 gpm value required for Well #3 may be a reference to the historical production capacity estimate of the well when it was in use, not a future site demand estimate (see Appendix G, page 10).</i></p> <p><i>The peak water needs at the site are reasonably projected using the maximum estimated future daily demand of 54.8 acre feet per year (Table V.K.-5) and adding 1.6 acre-feet per year for module excavation/construction (Table V.K.-7). If the values in the tables are correct, the peak water needs for the site in years with module construction are 56.4 acre feet per year. The supply to meet this demand can come from on-site sources including leachate from the existing landfill and groundwater from the three Weir wells. Known on-site sources for water include 2.1 acre-feet per year of leachate from existing landfill Modules 6, 7, and 8, and 43.5 acre feet per year from Weir Wells #1 and #2 if they are pumped for 16 hours per day. The existing supply therefore is 45.6 acre feet per year, and the difference between existing supply and estimated demand is 10.8 acre feet per year or 6.7 gallons per minute.</i></p> <p><i>A 72-hour pumping test to verify that Weir Well #3 can produce 16 gpm is not needed as a mitigation measure before a notice to proceed is issued for several reasons. As stated above, the difference between existing on-site supply and peak demand is only 6.7 gpm. Based on the continuity and consistency of the Edna Sandstone aquifer in which Weir Wells #1 (186 feet deep), #2 (156 feet deep), and #3 (245 feet deep) are constructed, it is reasonable to conclude the Weir Well #3 can produce a minimum of 6.7 gpm because Well #1 can produce 40 gallons per minute and Well #2 can produce 22 gallons per minutes even though both wells are substantially shorter than Well #3. The Fugro West assessment in Appendix G of the DEIR concluded that the Weir #1 and Weir #2 wells, with the possible reactivation of Weir #3 are capable of satisfying the daily demand, and that if additional short-term supply is needed, additional well(s) could be drilled in the Pismo Formation to supply the short term demand on site. Additionally, it is likely that more leachate will become available from the proposed expansion as modules are constructed.</i></p> <p><i>Historically, construction water, which is only needed for part of the year, has been derived from adjacent sites, and it is reasonable to assume that offsite water for construction will continue to be available if the need arises.</i></p>

Page #	Section	Paragraph
V-245	V.K.5.a.5	<b>WR/mm-4: Proposed detention basins shall be designed to retain stormwater for use onsite as dust control or as irrigation water for the Compost Operation.</b>
	<b>Comment 90</b>	<p><i>Title 27 of the California Code of Regulations includes standards for the design of landfill drainage systems. Landfill drainage systems must be designed to handle the run-off from a 100-year, 24-hour storm. To attenuate peak flows and control sediment, detention basins are typically included as part of the drainage system. The detention basin design includes a discharge to prevent overtopping of the basin during high runoff periods, consistent with Title 27. Stormwater below the basin discharge point remains in the basin, which allows sediment to drop out. Stormwater remaining in the existing basins at the end of the rainy season is pumped from the basins and used for dust control and for the existing compost operation.</i></p> <p><i>The Proposed Project includes multiple detention basins. These basins will be designed with discharges to prevent overtopping, consistent with Title 27. The basins will not retain all the stormwater that flows into them. If stormwater levels in the basins are at or above the discharge elevation, stormwater will be discharged from the basin. The estimated storage capacity of the proposed basins is 17.7 acre-feet, approximately 40 percent of the total anticipated future average daily demand shown in Table V.K.-7.</i></p> <p><i>The applicant intends to use stormwater from the basins for use onsite as dust control, irrigation water for the Compost Operation, and other appropriate uses. However, due to practical design considerations, some stormwater will be discharged from the basins.</i></p>
V-247	V.K.5.c.	<b>Per State law, before the expansion of the disposal area can begin, the applicant must obtain eight quarters of background water quality data from the monitoring well network. Data obtained from these data would be used to develop the future WDRs and MRPs. The intent of the MRP would be to obtain water quality data from the recently installed monitoring wells (P-10 through P-14) and the existing monitoring well network. Compliance with the WDRs and MRPs would require quarterly review of water quality data for identification of any statistically-significant releases from the facility.</b>
	<b>Comment 91</b>	<i>California Code of Regulations, Title 27 §20415 (e) (6) - Initial Background Sampling - says "For each Unit, the discharger shall collect all data necessary for selecting the appropriate data analysis methods pursuant to (e)(7-9) and for establishing the background values specified pursuant to (e)(10). At a minimum, this data shall include analytical data obtained during quarterly sampling of all Background Monitoring Points for a period of one year, including the times of expected highest and lowest annual elevations of the ground water surface." Eight quarterly events are not required by State regulations.</i>
	<b>Comment 92</b>	<i>Data obtained from these wells will be used to develop the future Water Quality Protection Standards (WQPS); the Waste Discharge Requirements (WDRs) and the Monitoring and the Reporting Program (MRP) are not dependant on water quality data.</i>

Page #	Section	Paragraph
VI-1	VI.A.2	The California Environmental Quality Act (CEQA), Section 15126(a), requires an EIR to describe a reasonable range of alternatives to a proposed project. The alternatives selected should feasibly attain most of the basic project objectives and avoid or substantially lessen any of the significant effects.
	Comment 93	<i>The sentence should be modified to read "The California Environmental Quality Act (CEQA) requires an EIR to describe a reasonable range of alternatives to a proposed project. The alternatives selected should feasibly attain most of the basic project objectives and avoid or substantially lessen any of the significant effects".</i>
VI-5	VI.C.1	No Project Alternative - The No-Project Alternative would leave the Landfill operating as it does currently. The RRP and MRF would continue to operate, although their processing capacities would remain static. The disposal area currently has approximately eight years of service life left. The CO, RRP, and MRF may be able to accommodate the increase in waste diverted to them over eight years. After eight years, waste would need to be diverted to other facilities.
	Comment 94	<i>Diverting waste to other facilities would require either garbage trucks hauling greater distances at greater costs or construction and operation of a transfer station at greater costs.</i>
VI-5	VI.C.2	Resigned Project - This alternative would relocate the proposed disposal area to the eastern side of the site, and would require the applicant to purchase or lease a portion of an adjacent parcel. The entrance road would be relocated to the southern and eastern side of the disposal area, but not as far south as currently proposed. A conceptual site layout is shown in Figure VI-1. The proposed CO, RRP, and MRF would remain the same size and in approximately the same location as currently proposed. Two detention basins and a stockpile would be relocated. This alternative design allows the disposal area contours to continue in a more consistent, efficient manner, rather than having to "bend" around the sharp property line, as is currently proposed. With the use of a portion of the neighboring property, it appears that the disposal area footprint may be slightly reduced, but the total volume would be approximately equal to the proposed project. This alternative would appear to meet all of the applicant's project objectives. However, the "cost-effectiveness" of this alternative is perhaps less than the proposed project due to the applicant not currently owning or leasing all of the proposed alternative disposal area. The following is an issue by issue analysis of Alternative 2, Redesigned Project – Onsite Relocation of Disposal Area and Entrance
	Comment 95	<p><i>Comments related to the Redesigned Project:</i></p> <ul style="list-style-type: none"> <li><i>Alternative 2 is impracticable and infeasible because, among other reasons, CCLF does not own or have any rights to an area where the proposed alternative is sited, and it cannot require its neighbor to participate in this Project. Extensive efforts were made throughout 2005 to negotiate a potential transaction that would allow the use of the neighboring property, but these efforts ultimately proved to be unsuccessful. Additionally, while the DEIR notes (at page VI-2) that "general plan consistency" is a factor to be considered when analyzing alternatives, no such analysis is presented in the DEIR. Had it been undertaken, the use of a portion of the adjoining parcel would be found to be even less viable, because of the need to maintain 40 acre minimum parcel sizes in this area.</i></li> </ul>

Page #	Section	Paragraph
		<ul style="list-style-type: none"> <li>• Under Alternative 2, new significant impacts to the oak woodland on the adjoining property would occur (see Page VI-6); the DEIR analysis indicates that these impacts would be offset by a lessened impact on the Indian Paintbrush, some oak woodland and the wetlands areas, all of which were found to be significant but mitigable. Figure VI-1 (page VI-7) illustrates the area of oak woodland that would need to be removed if Alternative 2 was adopted; clearly that removal is much greater than the small area of oaks and other trees that would be impacted under the Proposed Project.</li> <li>• Based on an approximate estimate of its capacity, the Redesigned Project has over one million cubic yards less capacity than the Proposed Project and, therefore, does not meet all of the project objectives.</li> <li>• During prior discussions, the owner of the neighboring property indicated the landfill could not extend above the tree line on the knob in order to provide a visual barrier between the landfill and his residence. This would further reduce the capacity of the Redesigned Project.</li> <li>• The DEIR presentation is unclear as to where the new Landfill entrance will be moved to under the Alternative 2 scenario. If Figure VI-1 (page VI-7) is correct, Alternative 2 will utilize the existing Landfill entrance.</li> <li>• The Redesigned Project, as shown, does not include an access road to the top deck. Because the circumference of the landfill has been reduced, it will be difficult to get an access road to the top deck without being overly steep. About 8 percent is the maximum slope typically used for a landfill access road.</li> <li>• The Redesigned Project does not provide a sedimentation basin in the vicinity of Module 10. It would be difficult to convey drainage from the Module 10 area to the proposed basin shown on Figure VI-1 because of the distance and lack of elevation difference.</li> <li>• There may be a soil shortage associated with the Redesigned Project. Previous preliminary designs that incorporated the triangular property had a soil shortage because of the “knob” in the triangular property and the resulting long excavation slope. The Redesigned Project would likely have the same situation.</li> <li>• The Redesigned Project includes a very long drainage path from the top deck to the proposed compost basin. As a result, under the Redesigned Project, landfill drainage in addition to drainage from the compost operation would end up in the compost basin.</li> </ul>

Page #	Section	Paragraph
VI-6	VI.2.a	Aesthetic resource impacts associated with the RRP and MRF would be similar with this alternative. The interim and final topography of the Landfill would also still silhouette above ridgelines as viewed from Highway 227, Corbett Canyon Road, and Price Canyon Road, resulting in a Class I impact. However, it appears that the total disposal area footprint would be smaller because the disposal area could expand into the eastern edge of the disposal area rather than to the undeveloped south. When viewed from the east, the backdrop of the east area is already altered by the existing Landfill. This alternative would, therefore, not avoid but lessen the Class I impact, particularly when compared to the proposed project.
	Comment 96	<i>The Redesigned Project would move vehicles accessing the project into the foreground adjacent to SR 227 in addition to being silhouetted above the ridgeline. This could potentially add to the aesthetic resources impacts.</i>
VI-6	VI.2.c	This alternative would have impacts similar to the proposed project, although nuisance dust may be less likely to affect those downwind because the active work area would remain farther to the north than currently proposed. Because this alternative would use a more efficient design for the disposal area, the footprint may be slightly reduced when compared to the proposed project, reducing total earthwork required for excavation and the associated air quality impacts. Odor impacts, the only Class I Air Quality impact resulting from the proposed project, would still result from this alternative.
	Comment 97	<i>The largest component of earthwork is daily and intermediate cover. If the capacity of the Redesigned Project is similar to the proposed project, the quantity of daily and intermediate cover required would be the same. As a result, it is unlikely there would be any reduction in associated air quality impacts.</i>
VI-10	VI.2.k	This alternative would use a similar volume of groundwater for use as daily dust control, dust control during excavation, and in the MRF. Water used for landscaping the entrance would be reduced because the entrance would not be moved. However, because this alternative would result in additional oak tree impacts (see Biological Resources discussion below), the total water used for landscaping may be equal to the proposed project.
	Comment 98	<i>While the Redesigned Project would use a similar quantity of groundwater, it would likely increase the water resources impact due to additional area being available for agricultural development. Agricultural land use has a higher groundwater demand on a per acre basis than the Proposed Project.</i>

Page #	Section	Paragraph
VI-10	VI.3	The Solid Waste Facility Siting Element prepared for the County in 1991 identified a number of locations where a new solid waste facility could be located. The proposed project site finished third in the coastal landfill sites. The other two sites that ranked higher in 1991 were Gragg Canyon and Shell Canyon, both of which are located northwest of Pismo Creek, between Highway 101 and Price Canyon Road. The study was completed in 1991, and since that time, large lot subdivisions have been approved immediately east of those two locations. Estate homes have been constructed in Gragg Canyon and south and east of Shell Canyon. The sites have a high potential for sensitive plant species and cultural resources.
	Comment 99	<i>The discussion of alternative project locations does not include any discussion of the time required to implement a project in an alternative location. As described in Section III, the landfill has approximately 8 years of life remaining. It is problematic whether a greenfield landfill could be sited, designed, and permitted within 8 years.</i>
VI-15	VI-C.3	This alternative may reduce the amount of fugitive trash located near the landfill as Caltrans already has Highway 101 cleanup operations in place.
	Comment 100	<i>Caltrans' highway cleanup operations would not reduce fugitive trash – it would only transfer the responsibility for pick up to Caltrans.</i>
VI-18	VI.4.g	This alternative would result in fewer geology and soils impacts when compared to the proposed project. Less earthwork would be required, given that the disposal area would not be expanded. Most earthwork would be associated with completion of the existing disposal area over the next eight years and preparation of the expanded RRP and MRF.
	Comment 101	<i>This alternative does not reduce earthwork. It shifts the earthwork to another site.</i>
VI-18	VI.4.k	This alternative would potentially have less significant water resource impacts than the proposed project, particularly in the long-term. Water for dust control would be limited to the CO and that required for the excavation of the final modules. Landscaping water would be limited to that required for screening of the RRP and MRF. Assuming the additional waste could be absorbed into other existing landfills, water use for dust control at those facilities would increase minimally as it is already being used at those sites
	Comment 102	<i>While this alternative would use a lesser quantity of groundwater, it would likely increase the water resources impact due to additional area being available for agricultural development. Agricultural land use has a higher groundwater demand on a per acre basis than the Proposed Project.</i>
VIII-15	Table VIII-1	BR/mm-1
	Comment 103	The last sentence of BR/mm-1 states, "Option 3 shall only be allowed if it is clearly infeasible to accomplish options 1 and 2." This statement is not included in the BR/mm-1 discussion on page V-107 and is considered overly restrictive and should be deleted. This statement is also inconsistent with the text in Section V.D. Biological Resources BR/mm-3 (p. V-109) and discussion of the Kuehl Bill (SB1334) on page V-105. The text of BR/mm-3 does not dictate a preferred use of a conservation easement over funding California Conservation Board or other County-approved Oak Woodland Habitat Conservation Easement.

Page #	Section	Paragraph
VIII-17	Table VIII-1	BR/mm-3 through BR/mm-8
	Comment 104	Starting with BR/mm-3 on page VIII-17, the mitigation measures are mislabeled (e.g., "BR/mm-3" and "BR/mm-4" need to be renamed as "BR/mm-3.a." and "BR/mm-3.b.," "BR/mm-5" should be renamed as "BR/mm-4," etc.)

Environmental Consultants  
and Contractors

3117 Fite Circle  
Suite 108  
Sacramento, CA 95827

916 361-1297  
FAX 916 361-1299  
www.scsengineers.com

## SCS ENGINEERS

March, 11, 2009

Tom Reilly  
Regional Engineering Manager  
Waste Connections  
5597 Morningside Drive  
Clayton, CA 94517

**Subject: Greenhouse Gas Emissions from Cold Canyon Landfill**

Dear Tom Reilly:

SCS Engineers (SCS) presents the attached greenhouse gas (GHG) calculations for the Cold Canyon Landfill. The causes of landfill GHG emissions as well as the calculation methodology used to calculate these emissions are described below.

### BACKGROUND

Under natural conditions, residential and commercial refuse that is generated by humans decays and produces biogenic or naturally-occurring carbon dioxide as part of the carbon cycle. Landfills typically emit carbon dioxide and methane through the creation of landfill gas (LFG), which is generated through anaerobic degradation of the waste by microbes in the landfill. Under the anaerobic conditions that occur in a landfill, anthropogenic or human-made methane is formed along with biogenic carbon dioxide in approximately equal amounts, which is what comprises LFG.

At a landfill with a LFG collection and control system (GCCS) like Cold Canyon Landfill, the majority of the methane is captured and destroyed in the control device and/or oxidized in the landfill cover to produce biogenic carbon dioxide; the same biogenic carbon dioxide that would have occurred under non-landfill conditions as part of the natural carbon cycle. Therefore, only a small amount of remaining uncollected methane becomes GHG emissions from the landfill. In addition, landfills effectively sequester or store a portion of the carbon in the refuse that would have otherwise produced carbon dioxide thereby providing a carbon "sink" to offset fugitive methane emissions.

### METHODOLOGY

The GHG emission estimate for the Cold Canyon Landfill expansion was completed using the Solid Waste Industry for Climate Solutions (SWICS) methodology developed for this purpose (SWICS, 2009). The SWICS methodology uses site-specific information on the landfill gas (LFG) system, actual LFG recovery data, source test information, cover type, waste composition, and other factors to estimate methane and carbon dioxide emissions from the surface and post-

Offices Nationwide



Tom Reilly  
March 11, 2009  
Page 2

combustion emissions of LFG. It accounts for LFG system collection efficiency, methane oxidation in the cover, and carbon sequestration.

#### **Collection Efficiency**

The collection efficiency was calculated using the SWICS methodology based on cover type, gas collection and control system (GCCS) coverage, and system effectiveness. For 2007, the current cover information and GCCS completeness were used from actual site data. The effectiveness of the GCCS was assumed to be medium in all cases because no data exist to support high collection efficiency for the year analyzed. The actual LFG generation was calculated for 2007 using the calculated collection efficiency and the measured LFG collection data.

The amount of LFG (methane and carbon dioxide) that was not collected by the GCCS for each year was assumed to be emitted, with the exception of methane oxidized in the landfill cover. The methane oxidation rate in the cover was calculated based on cover types using the SWICS methodology. The cover types used in the calculation are the same as the cover types used to calculate the collection efficiency. The methane oxidation rate represents the percentage of the uncollected methane that is converted to carbon dioxide in the cover.

#### **Methane Destruction Efficiency**

The methane destruction efficiency of the oilfield boiler, which is the primary LFG control device for the site, was assumed to be 99% based on the pending requirement in the upcoming CARB rule for landfills. The SWICS methodology calls for device-specific destruction efficiencies to be used when source test data are not available for the device, but the SWICS methodology does not include a methane destruction efficiency for boilers. The proposed California Air Resources Board (CARB) regulation will require 99% destruction efficiency from all LFG destruction devices, including boilers, and boilers can commonly meet this level, so 99% destruction efficiency is justified for any years when the oilfield boiler is combusting LFG.

#### **Carbon Storage**

Carbon storage or sequestration in the landfill was calculated based upon the waste acceptance data. Waste composition from the 2004 California Integrated Waste Management Board (CIWMB) study was used to calculate the amount of carbon stored in the Cold Canyon Landfill in 2007 using the SWICS methodology. The CIWMB waste characterization data give percentage amounts for various waste components from which carbon sequestration can be calculated. The composition data were multiplied by the total amount refuse disposed in each year, and then combined with carbon storage factors for each waste stream component from the SWICS guidance, to arrive at an estimate of carbon sequestration.

#### **Natural Gas Displacement**

The LFG used to fuel the oilfield boiler displaces natural gas use that would occur in the absence of the LFG combustion. Therefore, the GHG emissions that would result from the combustion

Tom Reilly  
March 11, 2009  
Page 3

of the natural gas are considered displaced by the LFG. The amount of GHG displaced is calculated using California Climate Action Registry (CCAR) methodology for the equivalent amount of natural gas based on heating value. The value of this displaced emission is included as an emission reduction from the landfill.

#### SUMMARY

The inputs used to calculate landfill GHG emissions for the Cold Canyon Landfill for 2007 are provided in the attached table. The results of this GHG analysis are also provided in the table. Because of carbon sequestration, use of the LFG in place of natural gas, and the LFG collection efficiency, the Cold Canyon Landfill created a net reduction in landfill GHG emissions in 2007. This trend is expected to continue in future years, even with the proposed landfill expansion. As such, from a GHG perspective, the Cold Canyon Landfill should be considered carbon neutral or better as related to GHG emissions.

#### CONCLUSION

As noted above, the carbon dioxide emitted from the landfill due to LFG is biogenic in origin and would occur anyways as part of the natural carbon cycle. As such, it is not counted as a source of emissions from the landfill. This is consistent with EPA, CARB, and International Panel on Climate Change (IPCC) methodologies. Also note this analysis did not include the additional GHG reductions from waste diversion, recycling, and composting, which are included as part of the proposed project.

Sincerely,



John Henkelman  
Staff Engineer  
**SCS ENGINEERS**



Patrick S. Sullivan  
Senior Vice President  
**SCS ENGINEERS**

cc

Enclosures

2007 Cold Canyon Landfill GHG Emissions

Year	Model Inputs					Results						
	Collection Efficiency (%)	Oxidation in Cover (%)	Methane in LFG (%)	CO <sub>2</sub> in LFG (%)	Total LFG Generation (mmscf/yr)	Waste Fill	Total LFG Collected (mmscf/yr)	Total CH <sub>4</sub> (as MTCO <sub>2</sub> e)	Total CO <sub>2</sub> (as MTCO <sub>2</sub> e)	Displaced Natural Gas Emissions (MTCO <sub>2</sub> e)	Carbon Sequestration (as MTCO <sub>2</sub> e)	Total (as MTCO <sub>2</sub> e)
2007	63%	28.1%	43.5%	37.1%	723	160,694	457	3.32E+04	2.54E+04	-1.10E+04	-4.83E+04	-7.17E+02

Notes:  
Negative values indicate a GHG sink or reduction.



## TOTAL COMPLIANCE MANAGEMENT

February 25, 2009

Tom Reilly  
Regional Engineering Manager  
Waste Connections  
5597 Morningside Drive  
Clayton, CA 94517

**RE: Cold Canyon Landfill Estimate of Greenhouse Gas Avoided Emissions from Solid Waste Management Practices**

Dear Mr. Reilly:

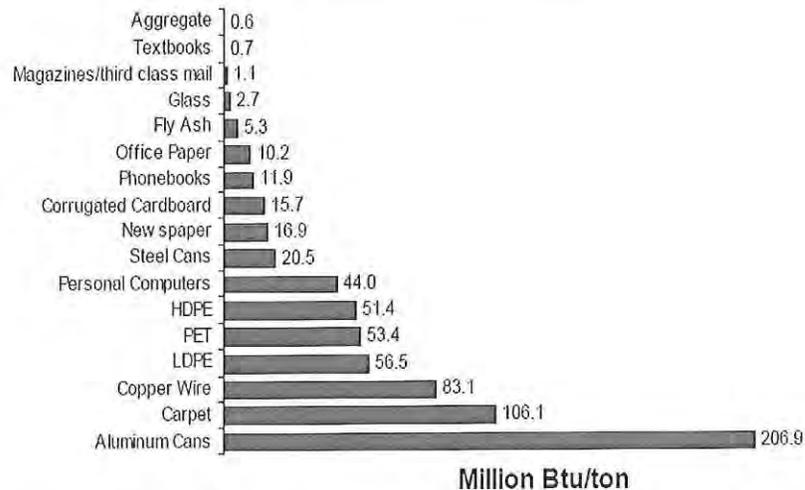
Total Compliance Management (TCM) is pleased to submit the attached report providing estimates of greenhouse gas benefits resulting from the recycling practices both operational and proposed in place at the Cold Canyon Landfill. TCM is an engineering and consulting firm specializing in permit management of Recycling Facilities, Material Recovery Facilities, Compost Facilities and the Construction and Demolition Debris Recycling Industry. TCM has prepared numerous greenhouse gas management plans on behalf of facility operators for submittal to the California Climate Action Registry, quantifying carbon emissions estimates for companies engaged in the solid waste and recycling industry. Additionally, TCM prepares GHG inventories using the US EPA WARM model to develop carbon reduction strategies that guide the development of programs for recycling, composting, and biomass energy feedstock provision. TCM develops greenhouse gas management plans that allow clients to analyze alternative approaches to materials management.

The Cold Canyon Landfill's recycling practices at the Material Recovery Facility and the Resource Recovery Park current avoid emitting 129,735 metric tons of greenhouse gases per year by returning recyclable materials back into the economic mainstream to supplant the use of virgin materials that require additional energy use, and by recycling paper products that avoid cutting down the forest. The proposed activities to expand both of the recycling facilities will further avoid emitting greenhouse gas by an additional 186,703 metric tons of greenhouse gasses per year, for cumulative greenhouse gas reduction benefits of 316,438 metric tons per year for all of the recycling activity.

Recycling can result in significant energy savings. Aluminum cans give the greatest energy savings per ton, as shown in Exhibit 1. These savings reflect the nature of aluminum production; manufacturing aluminum cans from virgin inputs is very energy intensive, whereas relatively little energy is required to manufacture cans from recycled aluminum.

Recycling carpet also results in significant energy savings, since the recycled material is turned into secondary products and the energy-intensive processes that would have been used to manufacture those secondary products are avoided.

**Exhibit 1 - Energy Savings per Ton Recycled**



Best practice methodology for calculating GHG emissions reductions from solid waste management practices uses the US EPA's Waste Reduction Model (WARM) documentation, which was developed to help solid waste managers evaluate management options with respect to their GHG emissions impact. WARM calculates the emissions impacts of several waste management options (landfill, recycling, composting, and combustion with energy recovery) for 34 separate categories of waste material.

An estimate of the GHG emissions avoided by for the Cold Canyon Landfill for the following solid waste management practices were investigated in the attached Report:

1. Recycling a residential single stream recyclables flow with an 8% residuals rate for a 120 ton per day operation at the Material Recovery Facility which reflects current practice.
2. Recycling a combined residential and commercial single stream waste stream with a 15% residuals rate for a 300 TPD operations at the Material Recovery Facility which reflects future practices, as future mandates for commercial recycling are regulated by the California Air Resource Board as a greenhouse gas reduction strategy.
3. Construction and demolition (C&D) recycling at the Resource Recovery Park with a 25% residuals level for a 100 TPD reflecting current operations, and a 350 TPD

operations proposed as future practices with the installation of a C&D processing line.

Results are presented in metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>-e). There are different types of greenhouse gases with differing impacts on the atmosphere, but they are all converted to the standard unit of MTCO<sub>2</sub>-e for comparison purposes. WARM includes 34 material types; however, in this analysis only 13 were used to account for all material types managed at the Material Recovery Facility (MRF) and the Resource Recovery Park (RRP).

WARM assigns a negative number to avoided emissions, such as fossil fuel emissions that are offset by biomass energy or carbon storage that occurs in forests. Emissions that enter the atmosphere are given a positive number, such as transportation fuel combustion or emissions from manufacturing. Therefore, the net result may be either positive or negative depending on whether the avoided emissions are greater or less than the generated emissions. In this report, avoided emissions are presented in parentheses.

The WARM documentation provides per ton emissions factors for avoided emissions from recycling due to 1) reduced material acquisition (mining and logging) and reduced energy use during manufacturing, and 2) increased forest sequestration due to a decrease in logging. The individual contributions of these avoided GHG emissions are calculated assuming an average national mix of recyclable inputs to the manufacturing process and results are presented in the Table on the next page

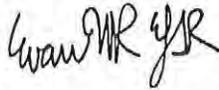
#### Cold Canyon Landfill Analysis: Avoided Emissions from Recycling

Average Annual Tonnage And Waste Type	Avoided Emissions from Reduced Raw Material Acquisition and Manufacturing Energy (MTCO <sub>2</sub> )	Avoided Emissions from Forest Carbon Sequestration from Paper Recycling (reduced logging) (MTCO <sub>2</sub> )	Total (MTCO <sub>2</sub> )
Single Stream, 120 TPD – 8% residual	(14,851)	(48,455)	(63,306)
Single Stream with Commercial, 300 TPD – 15 % residual	(34,302)	(111,921)	(146,223)
C&D Waste Stream, 100 TPD	(4,552)	(48)	(4,600)
C&D Waste Stream, 350 TPD	(15,932)	(167)	(16,099)

*All of the values shown are avoided emissions, i.e. considered negative in a GHG footprint calculation*

Should you have any questions, please call me at 916-739-1700.

Best regards,

A handwritten signature in black ink, appearing to read "Evan W.R. Edgar". The signature is written in a cursive, somewhat stylized font.

Evan W.R. Edgar  
Principal Civil Engineer

Total Compliance Management combines the experience of Evan W.R. Edgar, Principal of TCM, and Rick Moore, Project Manager. Mr. Edgar is a Registered Civil Engineer has more than twenty-two years of experience in all aspects of solid waste management, and has consulted on global solid waste management issues with the Clinton Climate Initiative. Mr. Edgar is the Director of Regulatory Affairs and for the California Refuse Recycling Council, a statewide non-profit trade association representing the interests of over 100 solid waste management companies involved with all aspects of solid waste management.

Mr. Moore joined TCM in 2007 as Project Manager for civil engineering projects, with a focus on developing protocols for the quantification of carbon emissions reductions for recycling and composting. He is a Registered Civil Engineer, earned a Master of Science degree in civil engineering from UC Davis, and has completed a greenhouse gas emissions verifier training course focusing on the California Climate Action Registry's General Protocol. Mr. Moore has 20 years of experience in solid waste management and local government, including five years engaged in solid waste management internationally, in Africa and the Philippines.

**ALTHOUSE AND MEADE, INC.**

BIOLOGICAL AND ENVIRONMENTAL SERVICES

1875 Wellsona Road • Paso Robles, CA 93446 • Telephone (805) 467-1041 • Fax (805) 467-1021

**Memo**

**To:** LynneDee Allhouse  
**From:** Meg Perry  
**Date:** 2-18-09  
**Re:** Pine trees at Cold Canyon Landfill

I visited Cold Canyon Landfill on February 18 to examine dead and diseased pine trees near the recycling sort facility to see if there was abundant conclusive evidence that the trees have pine pitch canker.

According to UC IPM, pitch canker causes the following:

- Lesions that encircle or girdle branches, exposed roots, and trunks
- Needles die at branch tips, followed by bare branch ends
- Extensive dieback in the crown
- Copious resin production
- Flattened/slightly sunken cankers on the main stem
- Resin coating bark up to several feet below the infection site
- Honey-colored resin-soaked wood

Other pathogens, insects, and abiotic factors can also cause some of these symptoms and in combination can cause damage that resembles pitch canker. Culture of diseased tissue is necessary for definitive identification of pine pitch canker. Monterey pines are also susceptible to drought and can appear in poor health when water-stressed.

Some pines at Cold Canyon do have some evidence of pitch flow as coatings on bark. However, cankers were not obvious on trunks of the more severely affected trees, at least within eye view. Exposed wood near a pitchy spot on the trunk was red in color, not honey-colored. In general, pines at Cold Canyon have live needles at branch tips, and are more likely to have bare stems lower on the branch (closer to the trunk), opposite the typical case for pitch canker. Some pitch plugs were observed where branches had been broken off, and along scars or wounds on trees, which is not necessarily caused by pitch canker. Many of the younger trees are crowded, and competition for light and water may be affecting their health and appearance.

Definitive diagnosis of the cause(s) of poor health in Monterey pine at Cold Canyon will likely require assessment by a plant pathologist. Since pitch canker occurs in many parts of the county it is possible that this is one cause of pine ailment/mortality at Cold Canyon, but the origin of the pathogen is not clear and is not necessarily linked to compost facilities onsite.

C:\Documents and Settings\tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Memo re Cold Canyon Trees.doc

Page 1

**PHOTO MEMO Regarding Cold Canyon  
San Luis Obispo County, February 18, 2009**



Photo 1. Substantial pitch was observed on and below scars such as this one (marked above).

*Althouse and Meade, Inc.*

---

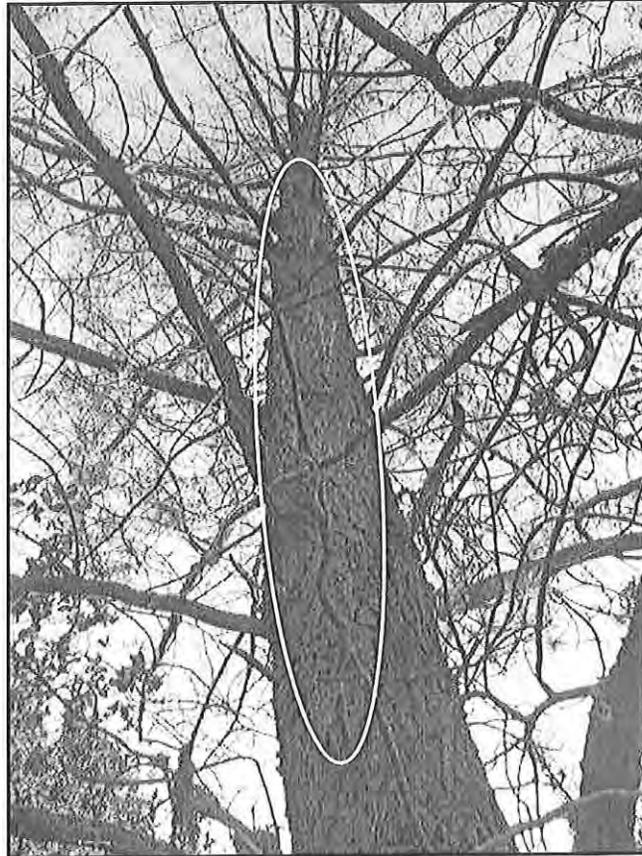


Photo 2. Some dying trees did have substantial dried pitch along the trunk (marked above). This can be a symptom of pitch canker but can also have other causes.

---

*C:\Documents and Settings\tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc*  
Printed 3/16/2009

*Althouse and Meade, Inc.*



Photo 3. In some instances, dead needle bundles were observed at branch tips, which can be a symptom of pitch canker. However, on many trees the only healthy needles were at branch tips, which is inconsistent with pitch canker.

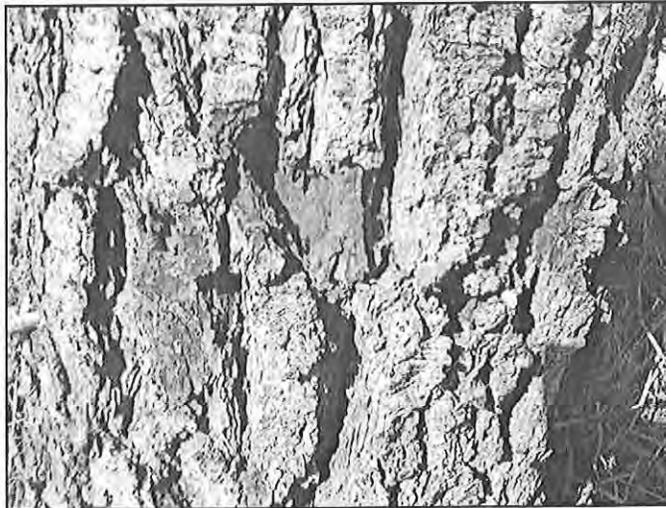


Photo 4. Exposed wood at a pitchy spot on the trunk is a reddish brown, not the "slightly sunken, honey/amber colored wood soaked in resin" typical of pitch canker.

*C:\Documents and Settings\Tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc*  
Printed 3/16/2009

*Althouse and Meade, Inc.*

---



Photo 5. Some pitch plugs and globs were observed around branch scars on a few unhealthy trees.

---

*C:\Documents and Settings\Tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc*  
Printed 3/16/2009

*Althouse and Meade, Inc.*



Photo 6. On many pines at Cold Canyon, branches have healthy needles at the tips; many branches don't have much foliage EXCEPT at the tips.

*C:\Documents and Settings\tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc  
Printed 3/16/2009*

5

*Althouse and Meade, Inc.*



Photo 7. Trees are not in great health but not obviously infested with pine pitch canker; other factors, including competition for light and water, susceptibility to drought/lack of irrigation, etc. may be partially responsible.



*C:\Documents and Settings\Tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc  
Printed 3/16/2009*

*Althouse and Meade, Inc.*

---

Photo 8. Pitch canker often causes trees to die back from tips and from the top, but this was not a pattern observed at Cold Canyon.



Photo 9. Death of branches from the tips back toward the trunk is typical with pitch canker. Trees at Cold Canyon mostly had live tipped branches and in fact often had most needles only at branch tips.

---

*C:\Documents and Settings\tonr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc  
Printed 3/16/2009*

7

*Althouse and Meade, Inc.*



Photo 10. Several pines at Cold Canyon are in poor health, but branch tips are live. Pitch canker typically causes necrosis from branch tips back toward the trunk.

*C:\Documents and Settings\tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc*  
Printed 3/16/2009

*Althouse and Meade, Inc.*

---



Photo 11. The small detention pond adjacent to the recycling sort facility is currently full of water.



Photo 12. Coyote brush on the slopes adjacent to the compost area has matured and filled in since our site work in 2006.

---

*C:\Documents and Settings\tomr\My Documents\Waste Connections\Cold Canyon\Expansion Project\CEQA\DEIR\Comments on DEIR\Comment Letter\Photos\_18Feb09\_ColdCanyonmep.doc*

9

**Response to Letter from Waste Connection,  
dated March 16, 2009**

*\*For ease of reading, the commenter's numbering system will be utilized.*

Comment No.	Response
WC-1	This comment suggests revisions regarding the California Integrated Waste Management Board's role as one of the governmental agencies approving the proposed project. The commenter is correct that it is the government decision-making body (e.g., the CIWMB) that must comply with CEQA, not the project. The FEIR has been modified to reflect the suggested language change.
WC-2	This comment recommends incorporating language into the Introduction pertaining to a landfill's financial liabilities and requirements as set for by the CIWMB. The suggested language has been incorporated into the FEIR.
WC-3	Comment regarding the project name was noted, no changes to the FEIR are necessary.
WC-4	Comment noted; a check for consistency has been made with respect to Table II-2 and Table VIII-1. Where applicable, changes to the FEIR have been incorporated.
WC-5-7	These three comments pertain to recommended editorial changes in Section II, Summary. These changes were made as part of revisions to the DEIR for the 2011 RDEIR.
WC-8-21	The fourteen comments put forth by the project applicant deal with minor revisions to the Project Description and suggested wording changes to provide further clarity with respect to the project being proposed. The suggested changes have been incorporated into Section III, Project Description.
WC-22	This comment provides background regarding a property located adjacent to the proposed expansion area and alleged unpermitted uses. No changes to the FEIR are necessary as this comment does not have direct relevance to the EIR analysis.
WC-23	This comment pertains to an incorrect table reference. The FEIR has been revised to reflect this change.
WC-24	This comment states that concrete-lined drainage swales would not be visible and associated impacts and mitigation measures should be reconsidered. It is unlikely that all of the concrete drainage ditches located on the benches would be visible. However, it is possible that concrete would be visible along access roads and at various locations as the drainage system transitions from one bench to another, or along an access road, etc. It is difficult to determine at this time the level of visibility of the concrete ditches, because a final drainage plan has not been prepared, but the facility is highly visible from many directions and elevations. Therefore, AES/mm-3 has not been changed.
WC-25	This comment states that implementation of AES/mm-3(a), inclusion of variable slope angles from 2:1 to 4:1, would significantly impact landfill capacity and should therefore be reconsidered. The EIR consultant agrees that substantial slope angle variation could affect capacity. The mitigation measure has been updated to specify "variable" conditions and provide an explanation of "where feasible". The intent of this is to allow for flexibility in accomplishing the intent of the mitigation measure while not jeopardizing the capacity of the landfill. Residual aesthetic impacts are considered Class I, significant and unavoidable.
WC-26	This comment states that the type of vegetation used on the final cover of the landfill is limited due

Comment No.	Response
	to soil thickness and regulatory requirements aimed at maintaining the integrity of the final cover. AES/mm-3 of the FEIR has been modified to allow flexibility, but to stress use of native and naturalized species so as to still accomplish the objective of the measure.
WC-27	This comment notes the height of compost windrows in the event that aerated static pile (ASP) composting is incorporated. This comment is no longer relevant as open windrow composting has been eliminated from the project description and this component of the project will not be located on the project site (or on the top deck). Refer to changes throughout the FEIR incorporating the elimination of the compost operation.
WC-28	This comment states that implementation of AES/mm-4, installation of a berm on the top deck to shield views of the formerly proposed compost operation, is infeasible because it would substantially reduce (by 20%) the area required for implementation of the formerly proposed compost operation. The compost operation has been eliminated by the applicant as part of their project description; therefore, the concerns expressed in the comment are no longer applicable. AES/mm-4 and 5 are still recommended as part of the FEIR because the applicant has elected to retain green waste processing and equipment storage on the top deck of the Landfill as part of their project description. These activities would require substantially less area than the former compost operation and could be accomplished after construction of a berm.
WC-29	This comment states that the top deck will not be completed after one year and therefore the milestone associated with AES/mm-5 is not feasible. Therefore AES/mm-5 has been modified and incorporates language which would provide flexibility in the implementation of the measure and still accomplish the measure's objective (i.e., "or incrementally as portions of the top deck are completed").
WC-30	Due to elimination of the compost operation from the proposed project, this section of the FEIR has been stricken and is no longer applicable.
WC-31	This comment requests a more reasonable requirement for implementation of AES/mm-7(c). This measure has been revised as part of the FEIR to incorporate language regarding the maintenance of trees and shrubs and now states that trees and shrubs shall be maintained in perpetuity or until such time as the RRP is removed as part of site closure.
WC-32	This comment states that at times some recovered materials may not be covered during the dry season. At this time some outdoor storage of materials currently exists and is not visible from public roads. It is not expected that future stockpiling would be visible. No changes to the FEIR are necessary.
WC-33	This comment addresses the role Stockpile 3 would have in affecting the visibility of the project as seen from viewpoints to the south. In the event that Stockpile 3 no longer exists or is greatly reduced in size, the disturbance area would still be visible from Corbett Canyon Road. The components that make-up AES/mm-10 apply to slope form and appearance which are relevant to the location of Stockpile 3 irrespective of the final size. No changes to the FEIR are necessary.
WC-34	This comment states that implementation of contour grading and variable slope angles will reduce the capacity of stockpiles. Mitigation measure NS/mm-4 requires that in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles cannot accommodate all of the material, the remaining material shall be located in a new location as far away from the property line(s) as feasible, potentially adjacent to

Comment No.	Response
	existing Module 8 and proposed Module 11. The excess material that may result from the contour grading requirement may also be relocated to these areas.
WC-35	The Landing Strip appears on the USGS base map. The map has been included to show local topography on a format familiar to agencies and the public. The former landing strip location has no bearing on the analysis in the EIR. No changes to the FEIR are necessary.
WC-36	This comment outlines the benefits of the former compost operation and requests that they be included in the EIR. However, the former compost operation has been eliminated from the project site and the proposed compost operation has been eliminated from the project description. Changes throughout the FEIR have been made to reflect this change.
WC-37	This comment states that it is not understood whether air quality impacts are those of the existing and the proposed project or just the proposed project. The impact analysis addresses impacts resulting from the proposed project and compared them to baseline (2006-2007) conditions. Section V.C., Air Quality, has been revised somewhat based on comments from the SLOAPCD. However, the conclusions are similar.
WC-38	This comment clarifies that the six months needed for construction of Module 6 would not include six months of excavation. The impact analysis has been updated to reflect this clarification.
WC-39	This comment suggests making reference to Section 6.3 of the SLOAPCD Air Quality Handbook. AQ/mm-1 has been revised based on comments from the SLOAPCD and is therefore consistent with Section 6.3 of the APCD Handbook.
WC-40	Please refer to response WC-39.
WC-41	Please refer to response WC-39.
WC-42	AQ/mm-3 has been modified to address areas which would not be re-worked for more than two months. However, the aesthetic impacts onsite are such that stockpiles which remain for long periods should be vegetated.
WC-43	This comment points out the difference between vehicles operating on-site versus on public roadways as it relates to AQ/mm-3(c). This mitigation measure has been modified to exempt on-site vehicles.
WC-44-47	These four comments address complaints received regarding odors associated with the compost operation, tonnage associated with the compost operation aspect of the proposed project, odors generated by ponding, and implementation of aerated static piles as part of the compost operation as a means of minimizing odors. Because the odor section of the DEIR was wholly revised and moved from the Air Quality section and into the Hazards and Hazardous Materials section in the FEIR (i.e., Section V.H.), these comments are no longer applicable and are superseded by comments received on the 2011 RDEIR. Additionally, in December 2011, the applicant elected to eliminate the compost operation from the project description, thereby further invalidating several of the comments. Refer to Section XI, Response to Comments on the 2011 RDEIR for responses to odor and related issues.
WC-48	This comment suggests a second way of measuring tree trunks; however, implementation of this method does not change the outcome of the analysis. No changes to the FEIR are necessary.
WC-49	This comment notes that the DEIR makes an incorrect reference to a mitigation measure. The

Comment No.	Response
	reference has been changed in the FEIR per the comment.
WC-50	This comment recommends that an area not proposed for disturbance should be identified for on-site mitigation of Obispo Indian paintbrush. The text of the FEIR has been amended to encourage onsite mitigation.
WC-51	This comment recommends that the CAPCOA draft guidance for 900 tons per year emission increase as a threshold for GHG be utilized. No specific thresholds have been identified at this time by the APCD. However the GHG discussion has been modified based on comments received on the Draft EIR. The analysis now quantifies existing (2006-2007) limits and compares them to potential future limits using a simplified approach that considers the potential percent increase in tonnage accepted per day and scales-up existing emissions accordingly.
WC-52	<p>This comment acknowledges the methodology for evaluating GHG's continues to evolve, summarizes an industry adopted landfill GHG emissions methodology, and offers a re-estimated calculation of GHG emissions for the project which characterizes the proposed project as carbon neutral or better. Section V.E., Climate Change/Greenhouse Gas Emissions of EIR describes climate change and quantifies the existing and potential future greenhouse gas (GHG) emissions associated with the proposed project. Six current and potential GHG emission sources resulting from the Cold Canyon Landfill Project were analyzed which include: Disposal Area Methane Production, Facility Electricity Use, Landfill Equipment Combustion of Diesel and Gasoline, Natural Gas and Acetylene Use, De Minimis Sources, and Private and Commercial Haul Truck Emissions. These represent the direct operational GHG emission sources from the project. The GHG emissions resulting from current landfill activities in 2007 were used as the baseline, future emissions were estimated for Year 2040 based on the proposed increase in refuse entering the landfill. However, as noted in the Section V.E.4, a range of uncertainty in these estimates would occur due to population growth, changes in state and local laws, and other future factors which cannot be accurately predicted.</p> <p>While a discussion of the GHG emissions reduced by carbon storage or sequestration in the Landfill, of the displacement of natural gas with Landfill gas (LFG) at the Price Canyon Oilfield, and of the GHGs avoided due to recycling may be interesting and provide context for some readers, the purpose of the EIR is not to estimate the carbon balance, but to estimate the impacts of the proposed action. Moreover, it is unclear whether the Total Compliance Management (TCM) letter dated February 25, 2009 and the SCS Engineers letter dated March 11, 2009, fully account for project emissions (e.g., mobile equipment at the landfill site, private and commercial haul trucks, LFG destruction emissions, etc.). While we do not disagree that carbon sequestration, use of LFG in place of natural gas, and waste recycling are beneficial and avoid GHG emissions; this analysis provides an estimate of the direct GHG emissions and climate change impacts in a level of detail sufficient to compare the differences between the baseline and the future GHG emissions from the expansion project. No changes to the FEIR are necessary.</p>
WC-53	This comment states that the Landfill will have to comply with AB 32 and have to achieve compliance by 2012. No changes to the FEIR are necessary.
WC-54	This comment states that the Landfill is subject to, and complies with, the NSPS due to the existing landfill gas system. No changes to the FEIR are necessary to respond to this comment.
WC-55	This comment states that installation of a new LFG-to-energy facility should be included as an option for renewable energy. GHG/mm-2(c) has been amended to include this option.

Comment No.	Response
WC-56	<p>This comment states that the “anecdotal information” included in the DEIR provides no evidence that resources that may be located in Area 1 meet the definition of a unique archaeological resource included in PRC 21083.2. PRC 21 CEQA Guidelines Section 15064.5 provides guidance on determining the significance of impacts to archaeological or historic resources. It notes specifically that it is up to the lead agency to determine significance. In this case, based on the information in the DEIR, the site was formerly a portion of the Mission San Luis Obispo ranch lands, has revealed pre-historic resources historically, was the site of a narrow gauge railroad, connected to the Steeles at one point, and was owned by a family which first settled in San Luis Obispo County in the 1860’s or earlier, making them an important historical family in the county. The site includes potentially significant cultural resources which would be adversely impacted by the proposed project. Additionally, in preparation of the DEIR, the EIR consultant utilized cultural resources reports submitted by the applicant (Parker, 2006) which also stated that the cultural resources listed above were significant resources per CEQA Guidelines Section 15064.5 because the areas in questions could “allow reconstruction of the daily life” and are “important to the study of the economic development of the area.” The mitigation for such impacts is appropriate and remains. No changes to the FEIR are necessary.</p>
WC-57-59	<p>These three comments state that Areas 2 (location of the first Weir residence foundation built on the project site in 1903), 3 (an area of artifacts associated with the 1916 Bertha and Casper Weir residence), and 4 (an area associated with a barn also built in 1916) do not meet the criteria included in Section 15064.5 of the State CEQA Guidelines and should not be considered historically significant. The EIR states that these resources are considered significant, and meet State criteria, because of their age, association with known persons, and contain significant artifacts. Additionally, in preparation of the DEIR, the EIR consultant utilized cultural resources reports submitted by the applicant (Parker, 2006) which also stated that the cultural resources listed above were significant resources per CEQA Guidelines Section 15064.5 because the areas in questions could “allow reconstruction of the daily life” and are “important to the study of the economic development of the area.” No changes to the FEIR are necessary.</p>
WC-60	<p>This comment states that AR/mm-1 should be modified to meet PRC 21083.2 and/or eliminated. The comment appears to be aimed at the cost of implementing the measure. AR/mm-1 requires the applicant to prepare and implement an Archaeological Monitoring and Reporting Plan. This plan is largely intended to be a monitoring plan for activities on the project site in proximity to sensitive resources and serve to provide guidelines should resources be found. Implementation of the plan is not likely to exceed a dollar amount equal to one-half percent of the projected cost for mitigation measures taken within the site boundaries of the project and is therefore consistent with PRC 21083.2. No changes to the FEIR are necessary.</p>
WC-61	<p>This comment clarifies that the slope stability analysis prepared for the project (a Class III landfill) contains more restrictive measures applicable to a Class II landfill. As a result, measures from the report, subsequently incorporated into the DEIR, required modification. The FEIR has been changed to reflect these clarifications.</p>
WC-62	<p>This comment states that recommendations made in the slope stability analysis are based on the maximum credible earthquake for a Class II landfill and are not applicable to the proposed project, a Class III landfill. However, a potential impact remains and it is acknowledged that GEO/mm-1 reiterates regulatory requirements. No changes to the FEIR are necessary.</p>
WC-63	<p>This comment provides a correction regarding the total fill quantity and the FEIR has been changed to reflect this information.</p>

Comment No.	Response
WC-64	This comment states that no excavation into the existing fill along the northeastern side of the existing disposal area is proposed and this information has been incorporated into the FEIR.
WC-65	This comment regarding GEO/mm-2 states that SWPPP's are not approved. The text in the FEIR has been amended to reflect this clarification.
WC-66	This comment states that the wording for GEO/mm-6 should better address plans for structures and seismic design parameters. This change has been made in the FEIR.
WC-67	This comment reiterates that the slope stability analysis is applicable to Class II and not Class III landfills and certain requirements are therefore not applicable – too stringent. Taking into consideration this comment, references to the GCL have been removed. The seismic slope stability for interim slopes, however, was performed using ground motions corresponding to the maximum probable earthquake (MPE), not the maximum credible earthquake (MCE) as required for Class II landfills by Title 27 of CCR. Consequently, the Shaw Environmental, Inc. recommendations regarding interim slopes, i.e., maximum waste elevation for interim slopes of 340 feet and maximum interim waste sideslopes of 3.5 horizontal to 1 vertical, are still applicable.
WC-68	This comment requests the reconsideration of GEO/mm-8 due to the opinion that soil stockpile and basin slope failure risks are minimal. Employees and the public will be onsite and in proximity to the stockpiles and basins during the operational phase of the project. This measure addresses a geologic hazard to the public and employees from failure of these slopes. No changes to the FEIR are necessary.
WC-69	This comment states that the potential for a seiche is remote and the impact would be minimal. A seiche is a single water wave that can be generated in a reservoir, pond, water-storage tank, or swimming pool as the result of long-period surface waves normally generated by strong local earthquakes or larger earthquakes at farther distances. It is agreed that the potential for a seismically induced seiche is low; however, in such case there could result overtopping or breaching of embankments. Therefore, GEO/mm-9 is applicable and has not been removed.
WC-70-77	These comments are directed toward Section V.H., Hazards and Hazardous Materials, of the 2009 Draft EIR. The DEIR was revised and recirculated in May 2011 (RDEIR) and the Hazards and Hazardous Materials section was wholly revised. As is stated above, per CEQA Guidelines Section 15088.5(f)(2), "When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated." All comments received on the 2011 RDEIR Hazards and Hazardous Materials section are included in Chapter XI, Response to Comments, of the Final EIR.
WC-78-85	These comments are directed toward Section V.I., Noise, of the 2009 Draft EIR. The DEIR was revised and recirculated in May 2011 (RDEIR) and the Noise section was wholly revised. As is stated above, per CEQA Guidelines Section 15088.5(f)(2), "When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated." All comments received on the 2011 RDEIR Noise section are included in Chapter XI, Response to Comments, of the Final

Comment No.	Response
	EIR.
WC-86	<p>This comment states that the basis for the 200 additional trips per day for the project is not provided. The detailed basis for the additional 200 trips per day outlined in Section V.J. and Table V.J.-4 of the DEIR was (and still is for purposes of the FEIR) included in Appendix F. Appendix F includes the Traffic Impact Report prepared by Pinnacle Traffic Engineering March 2008 (as a subcontractor to SWCA and a member of the EIR team) as well as the traffic modeling spreadsheets utilized in determining trip generation associated with the proposed project. This traffic impact report was prepared in consultation with Caltrans and County Public Works and examined safety issues as well as operational issues on State Route 227. New data was collected for the analysis (i.e., peak hour traffic counts, observation of existing operations, measurement of sight distance parameters and a sampling of vehicle speeds). In addition, detailed traffic data from 2006 was provided, historical traffic count data for State Route 227 was provided by Caltrans, and traffic accident data was provided by the CHP. The projected 200 additional trips were assigned to State Route 227 using distribution percentages similar to those documented for existing conditions. No changes to the FEIR are necessary.</p>
WC-87	<p>The comment states that because proposed entrance relocation and improvement would occur within State Route 227 right-of-way, TC/mm-1 is not necessary. TC/mm-1 requires that the applicant coordinate with County Public Works to ensure that access improvements meet or exceed Caltrans standards. While Caltrans does have oversight of State Route 227, ultimately the County Departments of Planning and Building and Public Works will be providing the Notice to Proceed for the actual project. This measure requires the applicant not only comply with Caltrans standards but to also provide verification of compliance to the County. A second reason for requiring coordination between the two agencies is that Patchett Road is located 175 feet south of the proposed entrance and serves four residences and coordination (per TC/mm-1(c)) would help minimize any potential conflicts with vehicles at that intersection of Patchett Road and State Route 227. No changes to the FEIR are necessary.</p>
WC-88-92	<p>These comments are directed toward Section V.K., Water Resources, of the 2009 Draft EIR. The DEIR was revised and recirculated in May 2011 (RDEIR) and the Water Resources section was wholly revised. As is stated above, per CEQA Guidelines Section 15088.5(f)(2), "When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated." All comments received on the 2011 RDEIR Water Resources section are included in Chapter XI, Response to Comments, of the Final EIR.</p>
WC-93	<p>This comment states that the text discussing CEQA guidelines for the evaluation of a reasonable range of alternatives should be amended. The text has been amended in the FEIR.</p>
WC-94	<p>This comment points out that there are increased costs associated with either hauling waste to other facilities or the construction of a transfer station. This section of the alternatives evaluation recognizes, and is in agreement with the comment, that this would be the case.</p>
WC-95	<p>This comment provides nine separate bullet points outlining the applicant's opinion as to why the "Redesigned Project Alternative" is either not the environmentally superior alternative or why it is impractical or infeasible. The Redesigned Project Alternative (RPA) is shown in Figure VI-1, a</p>

Comment No.	Response
	<p>graphic prepared by the project applicant. This alternative would relocate the proposed disposal area to the eastern side of the site, and would require the applicant to purchase or lease a portion of an adjacent parcel. The entrance road would be relocated to the southern and eastern side of the disposal area, but not as far south as currently proposed. Bullet point responses are as follows: (1) An alternative site cannot be considered infeasible because the applicant does not own or have existing rights to the property. General plan consistency was not looked at as it is a determination made by the decision making bodies and is not a required element of an alternatives evaluation – in the same manner that evaluation of the environmental merits of an alternative are. To maintain 40 acre minimum parcel sizes in that location, the ultimate lot line adjustments may require more than two property owners or the property could remain as it is today; (2) The EIR notes that the area of oak woodland to be removed is larger for the Redesigned Alternative, and that on the whole, each alternative would have significant, but mitigable impacts to biological resource impacts. An array of thorough mitigation measures applicable to oak woodland and oak tree replacement are contained in the FEIR that would apply to the RPA, mitigating impacts to a level of insignificance; (3) An alternatives analysis is required to feasibly attain most, not all, of a proposed project's objectives. Also, the alternative design is a hypothetical, the eastern boundary of the alternative is approximate and would have a significant effect on the total capacity; (4) This point is understood and would be considered a point of negotiation between the applicant and the neighbor and does not affect the environmental benefits of the RPA; (5) Correct, per the applicant-prepared figure (Figure VI-1), the existing entrance would be utilized and extended to the southeastern portion of the expansion area to the relocated RRP; (6) Paving of the access road could be implemented to overcome grade issues associated with this alternative; and, (7 - 9) Again, the alternative design is conceptual and engineering challenges that are impractical to solve at this time have the potential to be solved if the applicant elects to move forward with this alternative. No changes to the FEIR are necessary.</p>
WC-96	<p>This comment raises what could be determined to be a potential aesthetics resources impact associated with the Redesigned Project Alternative. It is assumed that if the RPA was approved and the applicant elected to implement it, additional planning (potentially utilizing the evaluation and mitigation measures contained in this FEIR) and engineering would need to be accomplished in order to take this conceptual alternative to the level of a specific project. In doing so, measures such as vegetative screening requirements (contained in the FEIR) could be implemented, if issues such as changes in vehicle visibility from State Route 227 are deemed to be impacts. No changes to the FEIR are necessary.</p>
WC-97	<p>This comment states that the Redesigned Project Alternative would not result in a reduction of air quality impacts. The RPA discussion states that this alternative would have impacts similar to the proposed project, although nuisance dust may be less likely to affect those downwind because the active work area would remain farther to the north than currently proposed. Because this alternative would use a more efficient design for the disposal area, the footprint may be slightly reduced when compared to the proposed project, reducing total earthwork required for excavation and the associated air quality impacts. No change to the FEIR is necessary.</p>
WC-98	<p>This comment recognizes that the Redesigned Project Alternative would utilize a similar amount of groundwater as the proposed project but that, should the RPA be implemented, not fully utilizing the 88 acre expansion area would leave it open and available for agricultural use, which would result in greater water use rates and quantities than that of the proposed project. This comment appears to suggest that if the applicant was required to implement the RPA, a portion of the 88 acre expansion would go unused and they would use it for agricultural purposes instead. Action that could affect water use projects, as well as many other potential land use scenarios under the Agriculture land</p>

Comment No.	Response
	use designation, are deemed overly speculative for purposes of preparation of an EIR alternatives section. No changes to the FEIR are necessary.
WC-99	This comment notes that implementing a project in an alternative location is typically very time consuming. The EIR notes that siting a new landfill would be challenging. No changes to the FEIR are necessary.
WC-100	This comment states that Caltrans' highway cleanup operations would not reduce fugitive trash. The Highway 101 fugitive trash cleanup is already in place and covers a much more significant length of Highway than the Highway 227 cleanup efforts undertaken by the Landfill. It should also be noted that the section of Highway 101 near the proposed alternative location is more topographically constrained which may reduce the distance that fugitive trash carries. The differences in fugitive trash may not significantly affect the impact Class, but are worth noting. No changes to the FEIR are necessary.
WC-101	This comment states that the Waste Diversion Alternative does not reduce earthwork, only shifts it to another site. The FEIR has been amended to reflect this comment.
WC-102	Please refer to the response to WC-98 above. No changes to the FEIR are necessary.
WC-103	The text within Section V.D., Biological Resources, BR/mm-1 has been amended to reflect the text in Table VIII-7, of Chapter III, Project Description. The County would prefer that biological resources mitigation occur as close as feasible to where the impact occurred. Use of the California Wildlife Conservation Board mitigation program is least likely to result in the mitigation occurring in the vicinity of the impact, and therefore the mitigation measures as written and amended, encourage use of Options 1 and 2, as described in BR/mm-1.
WC-104	The numbering in Table VIII-1, of Chapter VIII, Mitigation Monitoring Program, has been amended to reflect the text.

**H. GENERAL PUBLIC**

The following members of the general public have submitted comments on the January 2009 Draft EIR. For ease of reading, when applicable, the commenter's numbering system will be utilized.

Commenter and Address	Code	Date of Letter	Page
<b>Hugh Platt</b>	HP	February 15, 2009	X-109
<b>Corbett Vineyards LLC</b> 2195 Corbett Canyon Road Arroyo Grande, CA93420	CVL	February 27, 2009	X-111
<b>Laura Bjorklund</b> 125 Tolosa Place San Luis Obispo, CA93401	LaB	March 3, 2009	X-114
<b>Jim Blocher</b> 150 Tolosa Place San Luis Obispo, CA 93401	JB	March 11, 2009 (date received)	X-117
<b>Pat Clements</b> Parcel No. 044-211-009	PC	March 11, 2009	X-119
<b>Clint and Leah Cochrane</b> 2008 Carpenter Canyon Road San Luis Obispo, CA93401	CLC	March 12, 2009	X-126
<b>Auburn Range</b> Edna Ranch East, Lot 13	AR	March 12, 2009	X-130
<b>Louise Buck</b> 1961 Vineyard View Lane San Luis Obispo, CA	LoB	March 13, 2009	X-132
<b>Jon Hoffmann</b> 1044 Via Chula Robles Arroyo Grande, CA93420	JH	March 13, 2009	X-134

Commenter and Address	Code	Date of Letter	Page
<b>Hubert and Roberta Patchett</b> 1948 Carpenter Canyon Road San Luis Obispo, CA93401	HRP	March 13, 2009	X-141
<b>Leroy and Jacquelyn McChesney</b> 1175 Dairy Lane Arroyo Grande, CA93420	LJM	March 14, 2009	X-143
<b>Gerhard Rehkugler</b> 2565 Carpenter Canyon Road San Luis Obispo, CA93401	GR	March 14, 2009	X-147
<b>James and Margaret Neville</b> 2387 Carpenter Canyon Road San Luis Obispo, CA93401	JMN	March 15, 2009	X-149
<b>Sue and Bill Barone</b> 1810 Carpenter Canyon Road San Luis Obispo, CA93401	SBB	March 16, 2009	X-151
<b>David Platt</b> 1990 Corbett Canyon Road Arroyo Grande, CA93420	DP	March 16, 2009 (date received)	X-174
<b>Diehl &amp; Rodewald</b> <b>Representing Earl Darway</b> 1048 Pacific Street San Luis Obispo, CA93401	D&R	March 16, 2009	X-176
<b>Bruce Falkenhagen</b> 2275 Corbett Canyon Road San Luis Obispo, CA93401	BF	March 16, 2009	X-192
<b>David Goldeen</b> 715 & 705 Dixie Lane (formerly Libretto Lane) San Luis Obispo, CA93401	DG	March 16, 2009	X-277
<b>Natalie Risner</b> 125 Tolosa Lane San Luis Obispo, CA 93401	NR	March 16, 2009	X-280

February 15, 2009

Dear Sir/Madam,

I'm writing to say that I and my wife oppose the expansion of the Cold Canyon Landfill. We live downwind of the "dump" and the fumes, we believe, affect our breathing. They are, I'm sure, toxic to some degree. A larger dump will produce more fumes. As far as I know, the dump does not attempt to capture these fumes.

HP-1

HP-2

In addition, we must take Highway 227 to get to and from San Luis Obispo and there are often dump trucks in front of our cars, blocking our view and causing slow downs. Of course a larger dump will result in more dump trucks.

HP-3

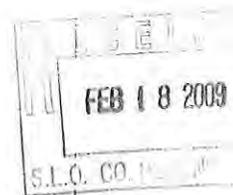
Thirdly, the dump is visible from our house and is, as you can imagine, an eyesore of the first order. So a bigger eyesore doesn't sit well with us.

HP-4

All in all, the enlargement of the dump seems to be a bad idea in light of the above objections, so we're asking you not to approve the expansion.

HP-5

  
Hugh Platt



**Response to Letter from Hugh Platt,  
dated February 15, 2009**

Comment No.	Response
HP-1	This comment states opposition to the proposed project. Please refer to Section X.B., Non-EIR Comments above. No changes to the FEIR are necessary.
HP-2	The "fumes" referenced in this comment are most likely related to the open windrow compost operation at the Landfill. That operation produced compost from green waste and other feedstock materials. The proposed project and FEIR has been revised to eliminate from future consideration the compost operation. The FEIR acknowledges that even without the open windrow compost operation, the Landfill expansion would result in odors. The FEIR recommends mitigation measures (and Best Management Practices) intended to reduce odor impacts to the greatest degree feasible. No changes to the FEIR are necessary.
HP-3	This comment states concern about increased dump trucks on State Route 227, the slowing of traffic they would cause, and the blocking of views that would occur. Potential traffic impacts from the project have been evaluated. The EIR concludes that the project would impact the level of service on westbound Highway 227 (causing LOS to go from B to C); however, the EIR concludes that traffic safety impacts would be insignificant (i.e., Class III). This conclusion is based on traffic modeling and an assessment of the road layout, including hills and curves (refer to Appendix F for further details). No changes to the FEIR are necessary.
HP-4	This comment states that the Landfill will result in an increased eye sore from the commenter's residence. CEQA, though, requires that the project's visibility be evaluated from public viewsheds. The project would be highly visible from roadways, such as State Route 227, and the EIR therefore recommends mitigation measures to reduce the visibility of some project components. However, in general, the impacts are significant and unavoidable. No changes to the FEIR are necessary.
HP-5	This comment requests that the project not be approved. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project. No changes to the FEIR are necessary.

**CORBETT VINEYARDS LLC**

2195 CORBETT CANYON ROAD • ARROYO GRANDE, CA 93420  
TELEPHONE: (805) 782-9463 • FACSIMILE: (805) 781-9463

February 27, 2009

Via E-mail  
jdmckenzie@co.slo.ca.us

Mr. John McKenzie, EIR Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

**Re: Cold Canyon Landfill Expansion Conditional Use Permit**

Dear Mr. McKenzie:

We, Corbett Vineyards LLC, as neighbors located directly north and slightly east to the proposed Cold Canyon expansion area (see map), appreciate the opportunity to comment on the EIR for the expansion of the Cold Canyon Landfill. Operations at Corbett began in 1977 and, for the last year, re-building of the facility has been underway to bring the property back to its rightful place as part of Edna Valley's worldwide reputation.

**CVL-1**

While we recognize the importance of the landfill to the community and want to work with the County and its operators to implement a mutually successful outcome, there are a number of concerns that have been expressed in the past that we would like to again recap.

Edna Valley, one of the premier wine growing regions of California, is adjacent to the current Cold Canyon expansion site. Corbett Vineyards has concerns regarding odors and equipment noise that impact the quality and nature of the "wine country" experience which is the essence of what Edna Valley and Corbett Canyon are about. Our events and tastings have been affected by existing odors. Further, trucks and heavy equipment "back up" buzzers are often very audible. The current Cold Canyon site is somewhat shielded by the hill that lies between our properties, however, the expansion is slated for the "lower flat" and will likely increase the noise issues.

**CVL-2**

The County has hopefully employed proper technical reviews to determine the efficacy of and enforce strict mitigation measures resulting in elimination or, at a minimum, substantial reduction of the existing and future odor and noise issues.

**CVL-3**

The EIR mentions that the landfill may not have adequate water resources and that, from time to time, has used the excess capacity of Corbett Vineyards. While this may have been true in the past, the vineyard is expecting to expand its plantings and facilities thus, availability of excess water in the future may, in fact, diminish.

**CVL-4**

Lastly, we are concerned about the visual aspects. Obviously the current location of the landfill is somewhat shielded from our vineyards view by the existing hill, however, extension onto the adjoining flat presents a whole host of new issues. We hope screening (i.e., trees) and naturally contoured landforms (as suggested in the EIR) are requirements to replicate the natural surrounding terrain. Again, the devil is in the details but this is important and not reflected in the current engineering plans in the EIR.

**CVL-5**

Mr. John McKenzie, EIR Manager  
February 27, 2009  
Page 2

Agriculture and tourism are linked particularly through the viti-cultural industry. Corbett Vineyards, having existed for more than 30 years has, in the past, been one of the premier facilities in the Edna Valley and we intend to re-establish its local prominence. We host visitors for both wine tasting and various events and that too is an important and ongoing aspect of Corbett facilities' future.

CVL-6

We would like to work with the County and our neighbors at Cold Canyon to find a suitable outcome for the proposed expansion.

CVL-7

Best regards,



Rob Rossi

RLR/vh

cc: Bill Swanson  
Jamie Kirk

**Response to Letter from Corbett Vineyards LLC,  
dated February 27, 2009**

Comment No.	Response
CVL-1	This comment outlines the work that the commenter is doing on their property and their desire to work with the County to bring about a mutually agreeable outcome on the proposed project. No changes to the FEIR are necessary in response to this comment.
CVL-2	This comment raises concerns over equipment noise and odors. The EIR has concluded that the proposed project would result in odor and noise impacts that would be significant and unavoidable. The 2009 DEIR and 2011 RDEIR recommend mitigation measures, and these measures have been refined due to comments received on both documents (refer to Sections V.H and V.I. for full discussions of these impacts and mitigation measures). It should be noted that even though these impacts are considered unavoidable, mitigation measure have been recommended with the objective of minimizing the impacts to the greatest extent feasible. It should be noted as well that elimination of open windrow composting from the proposed project, an overall reduction in noise and odor impacts is likely. No changes to the FEIR are necessary.
CVL-3	Technical reviews have been prepared for the EIR and their findings have been incorporated into the EIR as applicable. Additionally, the FEIR recommends implementation of a mitigation measure requiring that that applicant fund the retention of an environmental monitor who would be responsible for ensuring implementation of all FEIR mitigation measures (refer to AES/mm-2, Section V.A.6.). No changes to the FEIR and necessary.
CVL-4	This comment notes that Corbett Vineyards has provided water to the Landfill in the past but will not be able to in the future. The Water Resources section of the FEIR does not consider water owned by Corbett Vineyards as a potential water supply source. No changes to the FEIR are necessary.
CVL-5	This comment expresses concern over the aesthetic resource impacts the project would have as seen from the Corbett Vineyard. CEQA and County thresholds of significance do not allow for the evaluation of a project's visibility from private viewshed areas such as the Vineyard property. The proposed project would result in significant and unavoidable visual impacts from public viewshed areas such as State Route 227, despite implementation of recommended mitigation. No changes to the FEIR are necessary.
CVL-6	This comment describes the mission and vision of the Corbett Vineyard in the Edna Valley. Please refer to Section X.B., Non-EIR Comments above. No changes to the FEIR are necessary.
CVL-7	This comment states a willingness to work with the County and neighbors on the proposed project. Please refer to Section X.B., Non-EIR Comments above. No changes to the FEIR are necessary.

Cold Canyon Landfill  
laurabjork  
to:  
jdmckenzie  
03/03/2009 02:26 PM  
Show Details

March 3, 2009

Dear Mr. John McKenzie:

I am writing you this letter regarding the expansion of the Cold Canyon Landfill for San Luis Obispo County. I have many concerns about this project that is being proposed. I have lived across the street from the dump for 30+ years and have watched the view shed change significantly. The sun rises much later these days and with this new project it will be much later as the mountain keeps growing. I have put up with considerable amounts of noise from the increased traffic to men working on the mountain shouting and playing loud music and back up beepers on the trucks dumping the trash. The odors from the dump come over to our house when the wind comes from the east or on hot days the fumes become so strong you cannot get always from it.

LaB-1

I attended your informational meeting regarding the project on February 26 and I was disappointed that there were not more answers to our worries. Also, I was disappointed and frankly amazed that you would only give a week extension on reviewing the EIR when this decision will affect my property and life forever. I am very concerned about the amount of water being used by the landfill. I have spoken with neighbors and many of us have a very limited supply of water as it is now. Our land is zoned for agriculture and what are we to do the ag land and no water? Not even to mention the contamination worry which is ever present. This area is one of the most beautiful areas in the entire county and has history of American Indians living here in this canyon; this really should be a park not a landfill!

LaB-2

Cold Canyon Landfill has been here in the county for forty-five years and that is long enough for all the neighbors to have endured. This really should be run differently the landfill should be in a more remote location and Cold Canyon Landfill should possibly become a transfer station. There are other options to expansion. I hope that you can consider this before approving a very bad project. It is alarming to me that the EIR has found seven Class one Immitigable Environmental Impacts.

LaB-3

- 1- Water Resources
- 2- Noise
- 3- Hazards/Hazardous Materials
- 4- Climate Change/Greenhouse Gas Emissions
- 5- Air Quality
- 6- Agricultural Resources
- 7- Aesthetic Resources

How can anyone possibly go forward with something that is going to affect so many of our county residents? Thank you for taking the time to become familiar with my concerns for this project.

LaB-4

Sincerely,

Laura Bjorklund

file:///C:/Documents and Settings/jmckenzie/Local Settings/Temp/notesD30550/~web1289.h... 3/4/2009

125 Tolosa Place; San Luis Obispo, CA 93401  
bsp;

&n

---

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

file:///C:/Documents and Settings/jmckenzie/Local Settings/Temp/notesD30550/~web1289.h... 3/4/2009

**Response to Letter from Laura Bjorklund,  
dated March 3, 2009**

Comment No.	Response
LaB-1	This comment raises concern over increased noise, visual, and odor impacts. The EIR has concluded that visual impacts, odor impacts, and noise impacts are significant and unavoidable, although mitigation has been recommended to reduce these impacts. No changes to the FEIR are necessary.
LaB-2	This comment focused on the project's water consumption. The EIR does conclude that water resources are limited and that, cumulatively, the proposed project would contribute to depletion of the water basin. With removal of the compost operation from the proposed project, expansion of the landfill would require an additional 0.9 acre feet per year of groundwater beyond the baseline use established by the existing project. This increased amount of groundwater usage would not significantly impact or interfere with use of neighboring wells or with surrounding agricultural operations. An extensive groundwater contamination system is present and would be expanded as a result of the proposed project. The EIR has concluded that this system is adequate to reduce potential groundwater impacts to a less than significant level. No changes to the FEIR are necessary.
LaB-3	This comment expresses hope that other options to the proposed landfill expansion are considered (e.g., a waste transfer station) as well as alarm that the project has identified a number of Class I, significant and unavoidable impacts. Section VI, Alternatives Analysis, examined seven different preliminary alternatives for feasibility and then selected four for more detailed analysis. One of these alternatives, the Waste Diversion Alternative examined a transfer facility. This alternative would include expanding the RRP and MRF, and moving the entrance to the south, but would not include an expansion of the disposal area. Waste for permanent disposal would be hauled to another location in or out of San Luis Obispo County, by truck or rail. This alternative was not considered the environmentally superior alternative when compared to the other alternatives. With respect to the Class I Impacts associated with the proposed project, several have been eliminated as a result of the compost operation having been eliminated from the project description (e.g., water resources). However, several Class I Impacts remain and may require a statement of overriding considerations to be made by the County as the CEQA lead agency with respect to these impacts if the project is approved. Statements of Overriding Considerations (per CEQA Guidelines, Section 15093) require decision-making agencies to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project. No changes to the FEIR are necessary.
LaB-4	This comment asks how a project such as this can go forward when it would affect so many of the County residents. Please refer to Section X.B., Non-EIR Comments above. No changes to the FEIR are necessary.

PROPOSED COLD CANYON LANDFILL EXPANSION



TO: John McKenzie, Senior Environmental Planner  
FROM: Jim Blocher

As a neighbor living less than 1000 feet from the Cold Canyon Landfill for the past 25 years, I would like to make the following comments regarding the proposed landfill expansion:

The draft EIR prepared by the Morro Group states that this expansion will create several class I (significant, adverse and unavoidable impacts) upon the surrounding neighborhoods including aesthetics, air quality, noise, water resources and agricultural production.

JB-1

All of the above non-mitigable impacts will seriously degrade the Edna Valley environment and neighborhoods. Thus, an extensive search for a new landfill and composting facility should be started immediately.

Should this search for a new site show that no other location be shown more suitable than Cold Canyon Landfill, then I recommend the following course of action:

1. The compost facility should be completely removed from Cold Canyon to a new county site. This would solve the odor problem and greatly alleviate water usage and the drawdown of neighboring water tables as well as reducing noise and air pollution from operation of equipment.

JB-2

2. The proposed strip and cover with new garbage should not be allowed in the northwest area of the landfill. This is a highly exposed area to Hwy. 227 and Price Cyn Rd., both very scenic areas with many adjacent homes with direct views of the landfill. Not only will it be an extreme eyesore, but the noise and air pollution from equipment operation will be substantial. Windblown dust and dumped waste will be a big problem as this is in a high-wind area.

JB-3

3. As per the proposed expansion, the landfill area paralleling Hwy. 227 will definitely not complement the surrounding hills and valley. This problem can be partially remedied by creating an undulating landfill face rather than a flat face as proposed.

JB-4

Sincerely,  
  
Jim Blocher, Landscape Architect  
150 Tolosa Place, San Luis Obispo, Ca. 93401

**Response to Letter from Jim Blocher,  
received March 11, 2009**

Comment No.	Response
JB-1	<p>This comment states that an extensive search for a new landfill and composting facility should be started immediately. Section VI, Alternatives Analysis, examines a reasonable range of alternatives including seven different preliminary alternatives for feasibility and then selects four for further more detailed analysis. With respect to the Class I non-mitigable impacts associated with the proposed project, several have been eliminated as a result of the compost operation having been eliminated from the project description (e.g., water resources). However, several Class I Impacts remain and may require a statement of overriding considerations to be made by the County as the CEQA lead agency with respect to these impacts if the project is approved. Statements of Overriding Considerations (per CEQA Guidelines, Section 15093) require decision-making agencies to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project. No changes to the FEIR are necessary.</p>
JB-2	<p>This comment suggests completely removing the compost operation. The project applicant, in December 2011, removed the open windrow compost operation from further consideration as part of project description being evaluated in this EIR. Elimination of the compost operation has in fact reduced a number of issue area impacts, including but not limited to, water supply and odors. No changes to the FEIR are necessary.</p>
JB-3	<p>This comment states that the northwest area of the landfill should not be allowed to implement strip and cover waste disposal techniques. Mitigation measures in Section V.A., Aesthetic Resources, of the FEIR reduce visual impacts of the project as seen from State Route 227, Corbett Canyon, and Price Canyon Roads. Private viewsheds are not taken into consideration in the FEIR as State and County thresholds of significance do not allow for this. Aesthetic/visual resources impacts would remain significant. Impacts associated with windblown dust, noise and air pollution from equipment, and litter have been evaluated in detail in the Air Quality, Noise, and Hazards and Hazardous Materials sections of the FEIR. These sections recommend a wide array of mitigation measures for these impacts. No changes to the FEIR are necessary.</p>
JB-4	<p>This comment recommends final grading of the landfill include an undulating landfill face to help blending with surrounding hills and valleys. Mitigation measure AES/mm-3(a) in the EIR requires the landfill grades to be contour-graded and include variable slope angles, to reduce visual impacts. No changes to the FEIR are necessary.</p>



CCL Expansion EIR  
PAT CLEMENTS to: John McKenzie

03/11/2009 12:26 PM

John,

Thank you for providing a copy of the Exec Summ Excerpt-Draft EIR-CCL Expansion.

Table II-2 Class I *Impacts* of this report does not adequately describe the gravity of the visual impact this proposal has on *Viewshed* as seen from my home. Furthermore, the specific corresponding mitigating measures clearly do not address this problem.

PC-1

To enable you to relate to this *Impact* I have attached a photo of our present view of the surrounding hills from my front yard. This view overlooks the proposed expansion site and would totally obliterate any view other than the unsightly *Landfill Topo*.

PC-2

This *Class I Impact* can and should be eliminated by available mitigating measures, such as, changing the CCL *Operation* to a *Transfer Station*, *Changing the landfill site to a more appropriate remote site, etc.*

*This significant Class I Impact on my direct environment as well as the EDNA Community, for today and forever, needs to be eliminated.*

PC-3

*I trust you will take these comments to heart and incorporated needed revisions to the Draft EIR.*

*Regards ,  
Pat Clements  
Owner parcel 044-211-009*



P2260010.JPG





CCL EIR Comments

PAT CLEMENTS to John McKenzie

03/11/2009 03:01 PM

John,

Thanks for your reply to my comments on affects the expansion will have on my families viewshed.

My comments relating to the proposed move of the CCL entrance can be briefly stated:

IT SUCKS. Table V.J.-4 demonstrates that the traffic in front of my residence will increase 300% as a result of moving the entrance south of my access to rte 227. Presently, 25% of the north bound truck traffic to the landfill. The proposal says that the south bound traffic will be 75% of the landfill traffic.

PC-4

The 300% increase is based on existing operations. It does not take into considerations the 25% or more increase traffic from increased operations.

PC-5

My personal observation is that more than 95% of the garbage trucks come from the north of the existing landfill entrance.

PC-6

Obviously this will mean more fugitive trash, noise, odors, industrial appearances, etc that will adversely affect the rural character of the properties located directly across the street from the landfill.

The EIR does not disclose these negative issues on the property owners of parcels 044-211-003, 044-211-009, 044-211-008.

PC-7

Pat Clements  
owner property 044-211-009



CCL-EIR Comments Water

PAT CLEMENTS o John McKenzie

03/11/2009 04:41 PM

John,

Bruce Falkenhagen has been getting local Edna Valley Residents comments re the Water Issues of the proposed CCL Operations. | **PC-8**

I would like to add my personal concern and make comment to the issue of water availability for my current residential and AG needs. I have 28 acres with a single well that provides water for two residences and pasture irrigation. | **PC-9**

Without a doubt the current & planned water use by CCL's expansion that our water table is being depleted. | **PC-10**

I have not seen what measures the county and/or CCL will take to provide water to area properties should their wells run dry or the water table is lowered to such an extent that additional pump/well expenditures will be encountered. | **PC-11**

Pat Clements  
Property Owner  
044-211-009



CCL-EIR-Health and water runoff

PAT CLEMENTS John McKenzie

03/11/2009 05:00 PM

John,

The EIR has indicated a number of Health issue stemming from the operation of the CCL.

**PC-12**

I sort of disregarded a number of these concerns, prior to the 1991 expansion because it was so far away.

This is not the case anymore. This issue gives further reason to change the method of CCL operations to a Transfer Only site.

Each Community in the County should have their own transfer site to enhance all aspects of disposal in the County without putting an undue burden on a single community.

As mentioned before Transfer Sites do a great job in handling trash and its affect.

In regards to water runoff and pollution, My property has encountered both from CCL. This is fact not theoretical.

**PC-13**

Pat Clements  
Property Owner  
044-211-009

**Response to Emails from Pat Clements,  
dated March 11, 2009**

Comment No.	Response
PC-1	This comment states that the EIR does not adequately report the gravity of the visual impacts of the proposed project as seen from the commenter's home. Neither the County nor the State has thresholds of significance for which to evaluate or regulate private viewsheds. The analysis in Section V.A., Aesthetic Resources, of the RDEIR does identify significant unavoidable visual impacts that would result from the proposed project, as seen from public viewshed locations such as State Route 227, Corbett Canyon and Price Canyon Roads. No changes to the FEIR are necessary.
PC-2	This comment recommends that the Landfill project be eliminated and a transfer station be implemented in order to eliminate impacts. Section VI, Alternatives Analysis, includes a reasonable range of alternatives to the proposed project, including a transfer station on the project site. The Waste Diversion Alternative would include expanding the RRP and MRF, and moving the entrance to the south, but would not include an expansion of the disposal area. Waste for permanent disposal would be hauled to another location in or out of San Luis Obispo County, by truck or rail. This alternative was not considered the environmentally superior alternative when compared to the other alternatives. No changes to the FEIR are necessary.
PC-3	This comment requests that the Class I visual impact forever be eliminated for the sake of the commenter's direct environment as well as the entire Edna community. The FEIR recommends implementation of thirteen aesthetic resources mitigation measures in an attempt to reduce aesthetic impacts to the greatest degree feasible. No changes to the FEIR are necessary.
PC-4	The comment expresses a dislike for the proposed relocation of the entrance to the Landfill facility further south on State Route 227. Based on the EIR evaluation, traffic is expected to increase as a result of the proposed project and levels of service would decrease, but would not decrease below County thresholds and would not represent a significant impact. The increase in vehicles outlined in Table V.J.-4 is 200 for a total of 860, up from 660. This is a 30% increase in trips. No changes to the FEIR are necessary.
PC-5	This comment states that traffic projections do not take into consideration increased vehicle numbers due to the proposed project. However, this is not the case. The traffic report evaluated current traffic count conditions and then built upon these numbers utilizing projections for the proposed project. No changes to the FEIR are necessary.
PC-6	This comment states an observation that more than 95% of the garbage trucks come from the north of the landfill entrance. Section V.J., Transportation and Circulation of the EIR, states that new project trips were assigned to State Route 227 using distribution percentages similar to those documented for existing conditions (i.e., observations made by the traffic engineer). Approximately 60 percent of the employee trips and 75 percent of the truck trips (medium and large vehicles) would be oriented to and from the north on Highway 227. No changes to the FEIR are necessary.
PC-7	This comment states that the EIR does not address trash, noise, odors, industrial appearances, etc. that will adversely affect the rural character of certain properties located directly across from the landfill. The EIR does address the project's affects to the visual character (refer to Section V.A., Aesthetic Resources, odors (refer to Section V.H., Hazards and Hazardous Materials), noise (refer to Section V.I., Noise); however, these impacts are addressed in a collective context which includes the neighbors across the street, the neighbors a mile away, and, depending on the impact, in the

Comment No.	Response
	County as a whole (e.g., with air quality). No changes to the FEIR are necessary.
PC-8	This comment remarks that Bruce Falkenhagen has received comments on water issues from local Edna Valley residents. No response to this comment is necessary as comments on water are provided in Section XI, Response to Comments on the 2011 RDEIR (refer to following section). No changes to the FEIR are necessary.
PC-9	This comment states a personal concern regarding water availability for personal residential and agricultural uses. The EIR, Section V.K., Water Resources, addresses the proposed project's impacts on water availability for surrounding residences as well interference on surrounding wells (refer to Section V.K.5.a). With removal of the open windrow compost operation, projected water usage for the proposed project dropped significantly and as a result, impacts to surrounding wells and to the overall groundwater basin have been determined to be insignificant. No changes to the FEIR are necessary.
PC-10	This comment appears to state that the existing and proposed project's use of water depletes the groundwater basin. With removal of the open windrow compost operation, the project's contribution to annual groundwater use is 10.2 acre feet per year (afy) – an increase of 0.9 afy over the existing operation use rate of 9.3 afy. Based on the County's standard water consumption rates, one dwelling located on a large lot in a rural area requires approximately 0.53 afy. Therefore, the proposed water consumption is roughly equivalent to two large lot rural dwelling units. Table V.K.-11 of the FEIR provides detailed information regarding agricultural and residential water use in the basin and is helpful in terms of illustrating the project contribution to overall groundwater basin consumption. No changes to the FEIR are necessary.
PC-11	This comment asks what measures the County intends to implement should the wells in the basin run dry. The objective of the EIR is to determine whether the scenario put forth by the commenter would be the case and whether any measures would need to be recommended. As summarized in responses PC-9 and PC-10 above and in Section V.K., Water Resources, the EIR has determined that the proposed project would not result in significant groundwater supply impacts requiring the recommendation or implementation of measures to compensate neighbors for expenditures relating to pumps and water wells. No changes to the FEIR are necessary.
PC-12	This comment raises a concern over health issues stemming from the project as well as proposes the concept of the site being used only as a transfer station. Health issues associated with the compost operation and the landfill have been included in the EIR and health risk evaluations are included in Appendix I. These reports determined that there is no evidence that the landfill or the former compost operation are causing health risks to neighbors or surrounding properties. With respect the transfer station aspect of the comment, please refer to Response PC-2 above. No changes to the FEIR are necessary.
PC-13	The comment pertains to runoff and pollution. The EIR notes that fugitive trash does leave the site, and while mitigation has been proposed, the impact is considered significant and unavoidable. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR for more information. Runoff and surface water quality is addressed in the EIR (Section V.K.5.f.) where the determination is made the impacts can be mitigated to a level of insignificance. No changes to the FEIR are necessary.

John McKenzie  
 County Planning & Building Dept  
 976 Osos Street  
 San Luis Obispo, CA 93408

Clint & Leah Cochrane  
 2008 Carpenter Cyn Rd  
 San Luis Obispo, CA 93401

March 12, 2009

RE: Cold Canyon Landfill Draft EIR comments/questions

- |   |       |
|---|-------|
| <p>1. <u>Land Use</u>- the proposed project is zoned AG and there are other counties in California that have statutes regarding taking land out of ag use and replacing it with 2X the acreage somewhere else to keep in Ag use. Is the landfill replacing the acreage and where did they get their numbers for ag water usage?</p>   | CLC-1 |
| <p>2. <u>Increased traffic and proposed entrance relocation</u>- Opening up the composting for retail sales of 2cu yards or more will substantially increase the proposed project traffic estimates. The proposed project entrance relocation is at the bottom of a blind hill and very close to already existing Patchett Rd. Even with turn lane and acceleration lanes, this is a very unsafe traffic situation that can be avoided by keeping the entrance where it is.</p>   | CLC-2 |
| <p>3. <u>Securing neighboring water</u>- The winery in question has recently changed ownership and securing that water could be in question. Need written verification of that availability.</p>  | CLC-3 |
| <p>4. <u>Carbon Footprint</u>-We moved to our historic home in 2001. My husband's great grandfather built our home around 1900, so his family has been in the Carpenter Canyon for generations. The old timers(the ones left) remember the original landfill and that when it was established it was "way out in the country". The "quality of life" that San Luis Obispo county prides itself on is apparently not for "all". Current permitted landfill operations expire in 2017 or there about. The proposed project is being guised as an expansion, when in actuality it is an entirely new project that needs to find an entirely new home. The population in the Carpenter Cyn/Corbett Cyn areas has multiplied substantially in the last 20 years, so apparently the County is choosing residential. The landfill needs to find a new home "way out in the country" again. There are too many "class I significant, adverse, and unavoidable impacts" to burden any populated area with; ballpark count of 9 unless you count the "potentially significant and unavoidable adverse aesthetic impact" placed on the GHG emissions. I was unaware that GHG emissions were simply AESTHETIC! We have a responsibility to future generations to MOVE THE LANDFILL NOW! The current location would be ideal for a transfer station, and relocating the composting operation would substantially decrease the demand for water from the local aquifer. These changes would get rid of all the class I impacts.</p> | CLC-4 |
| <p>5. <u>Observation only</u>- If the EIR is addressing ENVIRONMENTAL issues ONLY, why is it that it has placed \$ values on oak trees removed(BRmm-3) and also on impacted trees?</p>  | CLC-5 |

**Environmental Impact Report Public Information Meeting for  
 Corral de Piedras (Cold Canyon) Landfill Expansion (DRC2005-00170)**  
 February 26, 2009 (SLO City-County Library)

Please provide comments on Environmental Issues only by March 9<sup>th</sup>, 2009 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Use back, as needed)

Name Leah Cochran Telephone/e-mail lcochrane@talleyfarms.com  
 Address 2008 Carpenter Cyn Rd SLO, CA 93401

Send comments to [jdmckenzie@co.slo.ca.us](mailto:jdmckenzie@co.slo.ca.us) or: John McKenzie  
 County Planning and Building Department  
 976 Osos Street, Rm. 300  
 San Luis Obispo, CA 93408  
 805-781-5452 (FAX 788-2413)

To review "Cold Canyon Landfill Draft EIR", go to:  
[http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/Environmental\\_Impact\\_Reports\\_2009.htm](http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/Environmental_Impact_Reports_2009.htm)

**Response to Letter from Clint and Leah Cochran,  
dated March 12, 2009**

Comment No.	Response
CLC-1	<p>This comment asks if the County has a replacement program for agricultural property that gets converted to other uses and also asks where the County derived its water use numbers for agricultural operations. The County does not currently have any standard measures in place to reduce impacts resulting from the conversion of prime agricultural lands. Section V.B., Agricultural Resources, of the EIR states that because the local groundwater basin can support additional intensification of approximately 145 acres of agriculture, and because the groundwater basin area includes at least an additional 275 acres of land which could be planted with vineyards (refer to Water Resources, Section V.K.6.a.), the project-specific conversion of agricultural soils to non-agricultural use resulting from the proposed project is considered less than significant (Class III). In regards to agricultural water use numbers, these were derived from the Water Demand assessment prepared for the County's Draft Water Master Plan Update (ESA, 2010), which states that vineyards in the San Luis Obispo/Avila area demand approximately 0.8 acre-feet of water per acre per year (afy/ac). No changes to the FEIR are necessary.</p>
CLC-2	<p>This comment states that opening up the composting for retail will substantially increase traffic volume and that the proposed entrance location is at the bottom of a blind hill. The compost operation has been eliminated from the project description and there will not be sales of finished compost associated with the project – generating additional trips into and out of the Landfill. Section V.J.5.c., Transportation and Circulation, of the EIR evaluates potential safety issues (including sight distance) associated with the proposed new entrance and potential new traffic volumes and concludes that there are no significant traffic safety impacts associated with the proposed project. No changes to the FEIR are necessary.</p>
CLC-3	<p>The comment references possible use of water from a nearby winery (unnamed) by the Landfill as a water source. Due to removal of the open windrow compost operation and additional testing of the three on-site Weir wells, the Landfill appears to have an adequate long-term supply of groundwater for the daily operations as well as construction of expansion modules (refer to Section V.K. Water Resources) and is not likely to require water from surrounding properties or wineries. No changes to the FEIR are necessary.</p>
CLC-4	<p>This comment addresses quality of life issues, GHG issues, and the concept of converting the Landfill into a transfer station. With respect to quality of life, please refer to Section X.D., Quality of Life above. From a land use trend standpoint, there have been residential development and subdivisions approved in the vicinity of the Landfill for many years. However the Landfill is located on parcels zoned Public Facilities and Agriculture, both of which allow for development of solid waste disposal facilities. Section VI, Alternatives, includes a reasonable range of alternatives to the proposed project, including a transfer station on the project site. The Waste Diversion Alternative would include expanding the RRP and MRF, and moving the entrance to the south, but would not include an expansion of the disposal area. Waste for permanent disposal would be hauled to another location in or out of San Luis Obispo County, by truck or rail. This alternative was not considered the environmentally superior alternative when compared to the other alternatives. Alternative projects that remove the disposal operations and the compost facility may reduce impacts at the existing site, but would not attain most of the project objectives. They may also result in similar impacts, but at other locations. No changes to the FEIR are necessary.</p>
CLC-5	<p>This comment asks why the EIR has placed a dollar value on removed and impacted oak trees (i.e.,</p>

Comment No.	Response
	<p>BR/mm-3). The Wildlife Conservation Board has created a funding mechanism for oak woodland replacement as a way to encourage counties to comply with SB1334 - the Oak Woodlands Conservation Act. This mechanism is a last resort, as indicated in the EIR. It is preferable to avoid impacts or find suitable oak woodlands for preservation on or near the project site. However, in situations involving mitigation of habitat or species impacts, it is generally a reasonable approach for a lead agency such as the County to allow flexibility in terms of methods of accomplishing the objective of lessening environmental impacts. No changes to the FEIR are necessary.</p>

PLANNING AND BUILDING  
DEPARTMENT  
2009 MAR 16 PM 4:13

Mr. John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street; Room 200  
San Luis Obispo, CA 93408-2040

March 12, 2009

Dear Mr. McKenzie,

I wish to register my opposition to the proposed expansion of the dump.

AR-1

I live in Edna Ranch and am most concerned that this project is being advanced when the dump was scheduled to be closed under the 1991 ER. Why is this not happening?

Our opposition is based on a number of factors including:

[1] The expansion will increase the noise level from the dump from 7am to 5pm every day of the week. This is incompatible with the quality and character of the Edna Valley, that is a quiet rural community. Moving the composting to the top of the hill is not a wise choice and I believe that the EIR has not adequately addressed this issue and possible mitigation measures.

AR-2

[2] I also believe that the expansion of the dump will significantly and negatively affect real estate prices in the area. Corbett Canyon is a beautiful thoroughfare, which supports the overall beauty of the Edna Valley, and Edna Ranch properties, and underlies the premium for the homes and land. I do not see important aesthetic mitigation offered under the EIR.

AR-3

[3] At Edna Ranch we have significant water issues and believe the proposal for composting requires an ambitious reliance on recharging the aquifer with rainfall when we have had numerous dry seasons. If there is less than 17 inches of rainfall by March 31 the composting must be shut down until December so as not to deplete the aquifer by the pumping. I would ask that such an action will be taken to ensure that the aquifer is not drawn down.

AR-4

[4] We have recently had to add arsenic mitigation to our well water. We do not see the issue of water quality mitigated under the EIR, particularly heavy metals and nitrates.

AR-5

Thank you for your attention.

Sincerely,



Auburn Range  
Edna Ranch East, Lot 13

**Response to Letter from Auburn Range,  
dated March 12, 2009**

Comment No.	Response
AR-1	<p>This comment asks why the Landfill is not being closed per the 1991 EIR. The 1991 EIR which addressed impacts associated with the Landfill was done so because the Los Osos Landfill had been closed (resulting in the diversion of additional waste to the Cold Canyon facility) and because the Landfill was expected to reach capacity in 1994. The 1991 EIR stated that the proposed expansion would extend the life of the Landfill approximately 25 years if waste reduction goals were met. This proposed expansion of the Landfill is being evaluated by County Planning and Building Department staff because the Landfill operator has requested that their permit application be considered and because County staff is legally required to consider said application. County staff will prepare a staff report with a recommendation for approval or denial of the proposed expansion as well as a recommendation for certification/no certification of this FEIR. Recommendations made by County staff will be considered by the Planning Commission and possibly the Board of Supervisors. At that point in the future, the question of why this Landfill should be allowed to expand will be addressed by those decision making bodies. No changes to the FEIR are necessary.</p>
AR-2	<p>This comment addresses Edna Valley quality of life issues as well as the relocation of the compost operation to the top deck of the expanded Landfill facility. With respect to quality of life, please refer to Section X.D., Quality of Life above. The open windrow compost operation has been eliminated from the project description. It is no longer proposed to be located on the top deck of the landfill or anywhere else on the subject property. However, the applicant has retained the option of locating their green waste processing operation on the top deck of the Landfill. A berm has been proposed as part of a noise mitigation strategy for operations on the top deck (refer to AES/mm-4 and 5). Noise issues have been re-evaluated in the 2011 RDEIR, refer to Section V.I., Noise. Noise is identified as a Class I Impact, significant, adverse, and unavoidable. The FEIR has been revised to reflect the changes outlined above.</p>
AR-3	<p>This comment addresses real estate price values in the Edna Valley as well as the need for aesthetic resources mitigation measures. Please refer to Section X.E., Property Values, for an explanation regarding real estate prices. With respect to aesthetic resources – thirteen mitigation measures have been recommended in the EIR (refer to Section V.A.6). However given the number and scope of activities proposed, and the local topographic conditions, significant unavoidable aesthetic impacts would result from the proposed project. No changes to the FEIR are necessary.</p>
AR-4	<p>This comment addresses groundwater supply issues associated with the compost operation. The open windrow compost operation of the proposed project has been eliminated from consideration in the FEIR because the applicant is no longer proposing this or any other compost technology. The water demand as there been reduced significantly. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information.</p>
AR-5	<p>This comment states that arsenic mitigation has been added to their well water and asks where water quality is mitigated in the EIR. The EIR, Section V.K.1.i-k., Water Resources provides a detailed background on Landfill water quality issues and Section V.K.5.e-f., addresses impacts and mitigation measures associated with surface and groundwater quality (i.e., WR/mm-8). No changes to the FEIR are necessary.</p>



SLO Edna Valley landfill

Louise Buck o jdmckenzie

03/13/2009 07:39 AM

History: This message has been replied to.

Dear Mr. McKenzie,

Recently I heard from neighbors that the county is thinking of enlarging rather moving the landfill that is located so close to San Luis Obispo, in the middle of the beautiful Edna Valley. I moved down here from the Bay Area a few years ago and was horrified to find such an ecologically unsound eyesore in the middle of a beautiful land.

LoB-1

Since living here in Edna Valley I can hardly believe how bad the noise pollution, alone, is from the landfill. Plus it is my understanding that the water usage is enormous.

LoB-2

I hope the city/county can recognize that this is not a good place for a landfill and will find a more appropriate spot.

LoB-3

Best,

Louise B. Buck, 1961 Vineyard View Lane, San Luis Obispo.

--

CONFIDENTIALITY NOTICE: This e-mail transmission message, together with any other documents or attachments, is intended only for the use of the individual or entity to which it is addressed and may contain personal information that is subject to confidential privacy regulations. Accountability Act of 1996 (HIPAA). The authorized recipient of this information is STRICTLY PROHIBITED from disclosing this information to any other party unless required to do so by law or regulation and is required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination, saving, printing, copying, or action taken in reliance on the contents of these documents of this message, or any attachment, is strictly prohibited. Please notify the original sender (only) immediately by telephone or by reply E-mail and delete this message along with any attachments, from your computer. Thank you.

**Response to Email from Louise Buck,  
dated March 13, 2009**

Comment No.	Response
LoB-1	This comment questions whether the Landfill will be moved or expanded and states an opinion on the project's location in the Edna Valley. The Landfill operator has applied for a permit to expand the Landfill facilities. County decision-making bodies will consider this permit request and may or may not approve the permit. Please refer to Section X.B., Non-EIR Comments and X.D., Quality of Life for responses to the location comment. No changes to the FEIR are necessary.
LoB-2	This comment addresses noise and water supply associated with the existing and proposed operation. The EIR identifies numerous noise and water impacts that would result from the proposed project. In some cases these impacts are mitigated to a level of insignificance, in other cases they are not due to the intensity of the impact or lack of feasible mitigation. It should be noted as well that with removal of the compost operation by the project applicant from consideration in this EIR, projected water usage has dropped significantly. Water usage is now projected to be 10.2 acre feet per year (afy), down from a previously projected use rate of 17.4 afy (when the compost operation in place). The existing operation water usage is 9.3 afy. Therefore, overall increase, due to the proposed project would be 0.9 afy.
LoB-3	This comment states that there is hope that the County can recognize this is not a good place for a Landfill and will find a better location. In making a decision on the proposed project, the Planning Commission and/or Board of Supervisors will have the opportunity to review other locations and other technologies which have been addressed in Section VI. Alternatives Analysis of this FEIR. In this section of the FEIR, a reasonable range of alternative was examined and the merits of these feasible project alternatives were addressed. The EIR determined that the "Redesigned Project Alternative" would be the environmentally superior alternative. No changes to the FEIR are necessary.

COUNTY OF SAN LUIS OBISPO  
PLANNING AND BUILDING DEPARTMENT  
2009 MAR 13 10 52 AM PST

1044 Via Chula Robles  
Arroyo Grande, CA. 93420  
March 13, 2009

John McKenzie, Project Manager  
County of San Luis Obispo, Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA. 93408-2040

Dear Mr. McKenzie:

My recommendations for additions to the draft EIR for the Cold Canyon Landfill Expansion follow.

1) Alternative Landfill Site:

The 2009 draft EIR has provided the Ontario site as a potential alternative landfill site (3. Alternative Location in TABLE VI-2). The 1991 solid waste facility siting study also included Sycamore Canyon as a potential long term landfill site. The major objection to the Sycamore Canyon site is its haul distance whereas a major advantage of this site is its remoteness from population centers. The 1991 siting study also recommends the combined use of transfer stations and material recovery facilities where the non-recyclable material is compacted and transported using large vehicles to the landfill. The 2009 draft EIR for the proposed expansion of Cold Canyon Landfill (Proposed Project in TABLE VI-2) has listed seven impacts upon environmental resources as Class 1 - significant and unavoidable. These impacts include aesthetic, agricultural, air quality, hazardous materials, noise and water resources. The use of the Ontario site as an alternative site has reduced the Class 1 impacts to five and the use of treated wastewater from San Luis Obispo's Wastewater Treatment Plant and the shorter haul distance should reduce the Class 1 impacts for the Ontario site to three. The remoteness of the Sycamore Canyon site will alleviate population centers from noise, aesthetics (visual), odor, groundwater depletion and additional groundwater contamination which have significant impacts upon neighbors of the landfill. Based upon the 2009 draft EIR it appears that the use of Sycamore Canyon along with the use of transfer stations and material recovery stations will reduce the Class 1 environmental impacts to three (equal to the 2009 draft EIR waste diversion alternative). **The final EIR needs to consider Sycamore Canyon and/or another remote site for an alternative landfill. An "optimal" alternative landfill site with a combination of transfer stations, waste diversion, waste to energy conversion and the possible use of treated wastewater and electric transportation vehicles needs to be proposed.** Could a waste to energy system be used at the Sycamore Canyon site to generate energy for future electric transportation vehicles?

JH-1

JH-2

JH-3

## 2) Groundwater depletion:

The 2009 draft EIR states that groundwater demand for the proposed expansion of Cold Canyon Landfill could exceed the sustainable yield of the groundwater basin. The 2007 Environmental Checklist for the County of San Luis Obispo states that the hydraulic connection between the landfill aquifer and groundwater beneath adjacent properties, and draw down of wells on neighboring properties need to be included in a final study of the landfill; these topics omitted or not accurately discussed in the draft EIR. **The final EIR needs to include results of current pump tests for all neighbors of the landfill and yield results need to be compared to prior results. The hydraulic connection between the aquifer beneath the landfill and adjacent properties needs to be accurately addressed. The final EIR needs to include groundwater availability predictions for the case of long term drought caused by global warming.**

JH-4

## 3) Groundwater Contamination:

The 1991 EIR clearly states that detectable concentrations of several volatile organic constituents have been identified on several occasions in monitoring wells situated both hydraulically upgradient and downgradient of the landfill. Evaluation of studies like the May 2007 RMC Geoscience report shows that chlorine, sulphate and arsenic are at or above allowable limits in monitoring wells. Cancer causing chemicals like benzene, arsenic and MTBE have been detected in these wells. Numerous cancer causing chemicals were found in landfill leachate, with many at or above allowable limits. Neighbors of the landfill were not asked to provide water samples for evaluation. The 2007 Environmental Checklist states that water quality of properties adjacent to the landfill and the impact of leakage on groundwater in the vicinity of the landfill needs to be included in a final study of the landfill; these topics were omitted in the draft EIR. **The final EIR needs to include an analysis of contamination in groundwater for wells of all neighbors of the landfill to determine the extent of groundwater contamination and to determine if each of the neighbors has safe drinking water. Table VI-2 needs to include "Groundwater Quality" as an environmental resource. The final EIR needs to include contamination results for each of the ponds and the stream near the landfill.**

JH-5

JH-6

JH-7

JH-8

## 4) Redesigned Project:

The 2009 draft EIR states that the groundwater required for the proposed expansion of Cold Canyon Landfill could exceed the sustainable yield of the groundwater basin. The Redesigned Project presented in the 2009 draft EIR has proposed the use of another well to supply additional groundwater with the hypothesis that sufficient water would be available for both the proposed expansion of Cold Canyon Landfill and for agricultural use, thereby reducing the environmental impacts shown in Table VI-2 from seven to five. However wells have already run dry for at least one of the neighbors of the landfill and

JH-9

other neighboring wells have seen a reduction in volume flow rate. **Both the Proposed Expansion and the Redesigned Project will accelerate depletion of the groundwater basin; the redesigned project will not decrease the number of Class I environmental impacts.** JH-10

5) Debris on roads:

**The landfill needs to extend pickup of debris on highway 227 to within 5 miles of the landfill and within one mile of roads adjacent to highway 227. Pickup of debris needs to occur once a week. The landfill needs a hotline for 24 hour pickup of refuse dumped on private property.** JH-11

6) Landfill Odor:

Odor from the landfill is putrid. Numerous complaints have been registered with the County Air Pollution Control Office but the odors persist. **A literature review of the long term effects of landfill odor on the mental and physical health of humans needs to be presented in the final EIR. Odor thresholds of landfill gas components need to be set. Testing for each of these thresholds needs to be performed when complaints are made; the final EIR needs to describe consequences when the thresholds are exceeded. Odor control measures need to be adopted. The proposed new location for the composting facility is at a higher elevation with larger wind velocities. Dust and odor problems will require additional control measures which need to be included in the final EIR.** The use of a remote alternative landfill site will not expose population centers to landfill odor. JH-12  
JH-13  
JH-14

7) McKenzie's 2007 Checklist:

John, some of the topics listed above were also listed on your 2007 Environmental Checklist but did not occur in the draft EIR. For example, who will pay for groundwater contamination clean-up? **The final EIR needs to include an analysis of each topic you have presented in your 2007 Checklist. Your checklist states that either the impacts need to be reduced to less than significant levels or will require further study. For the proposed project seven environmental impacts are Class I, significant and unavoidable.** JH-15  
JH-16

Sincerely,



Jon A. Hoffmann  
Registered Professional Engineer  
State of California

TABLE VI-2  
Impact Comparison of Project Alternatives

Environmental Resource	Proposed Project	Alternatives			
		1. No Project	2. Redesign Project	3. Alternative Location	4. Waste Diversion
Aesthetic Resources	I	II	I ↓	II	II
Agricultural Resources	I	II	II	II	II
Air Quality	I	I	I	I	I ↑
Biological Resources	II	II ↓	II	I	II ↓
Climate Change/Greenhouse Gas Emissions	I	N/A	I	I ↑	I ↑
Cultural Resources	II	II ↓	II ↓	II	II ↓
Geology and Soils	II	II	II	II ↑	II
Hazards/Hazardous Materials	I	II	I	I	I
Noise	I	II	I ↓	II	II
Transportation and Circulation	II	II ↓	II	II	II ↑
Water Resources	I	II	II	I ↑	II

Class I - significant and unavoidable  
 Class II - significant but mitigable  
 Class III - mitigation may be required

Draft EIR

VI-20

**Response to Letter from Jon Hoffmann,  
dated March 13, 2009**

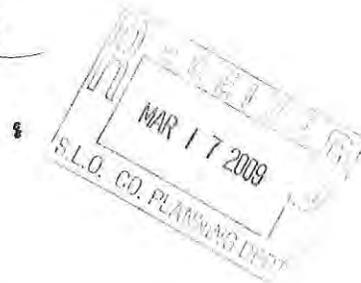
Comment No.	Response
JH-1	<p>This comment outlines the benefits of three of the alternatives to the proposed project that were also evaluated in the "1991 solid waste facility siting study" (i.e., the Sycamore Canyon site, the Ontario site, and use of transfer stations). The comment concludes by stating that use of the Sycamore site, combined with transfer stations and material recovery facilities, if compared to the proposed project, would eliminate the greatest number of Class I Impacts associated with the proposed project.</p> <p>Alternative #3, Alternative Location begins with an overview of the various off-site locations examined in the 1991 siting study (e.g., Sycamore Canyon, Ontario Road, Little Cayucos North, Gragg Canyon, Shell Canyon, etc.). The fourth ranked site in the 1991 study, Ontario, was chosen to move forward for the EIR alternatives analysis because it ranked relatively high in the Siting Element and, unlike Gragg and Shell Canyons, the location is removed from the Price Canyon area, which borders the existing Landfill. The geologic conditions, transportation infrastructure, and other physical characteristics are different enough at the Ontario site to allow for a meaningful comparison of this alternative site with the proposed project.</p> <p>The sixth ranked site in the 1991 study, Sycamore, is located on the Suey Ranch, off Highway 166 at the southern end of the county. This site has seen few changes since completion of the Siting Element. Drawbacks to this site include its distance from where waste is produced (resulting in significantly increased air quality and greenhouse gas impacts due to waste hauling emissions), significant impacts to riparian vegetation, impacts associated with the need to construct substantial road improvements on Highway 166, and the potential for impacts to cultural resources. However, the Sycamore site does have the potential to reduce aesthetic impacts and odor related impacts. Use of transfer stations may also alleviate some of the impacts of the proposed project. It should be noted that the commenter's alternative may result in the need to site at least two new solid waste centers (a new landfill and one or more transfer stations), and therefore identifying impacts in a way that allows meaningful comparisons with the proposed project is particularly difficult. It was the EIR consultant's opinion that the Ontario site represented the best off-site location of the off-site alternatives, when taking into consideration environmental effects as well as the ability to feasibly attain most of the project objectives. No changes to the FEIR are necessary.</p>
JH-2	<p>This comment states that the EIR needs to include the Sycamore site, combined with waste transfer stations, waste to energy conversion, and possible use of treated wastewater. The EIR has covered a reasonable range of alternatives to the proposed project and noted that alternative projects may reduce impacts when compared to the proposed project (refer to JH-1). The combination of alternatives suggested by this commenter to create the "Sycamore" alternative also would not feasibly attain most of the project objectives identified in the Section VI.B. No changes to the FEIR are necessary.</p>
JH-3	<p>This comment asks whether a waste to energy facility system could be used at the Sycamore alternative site for future electric vehicles. A waste to energy facility has the potential to be a permitted use at the Sycamore Canyon site. It is a significantly different project than the proposed one and one that does not meet the project objectives. No changes to the FEIR are necessary.</p>
JH-4	<p>This comment states that the FEIR should include more detailed information on water supply. The 2011 RDEIR included additional pump test and water supply evaluation information which included</p>

Comment No.	Response
	<p>results of pump tests on neighbor's wells, hydraulic connectivity, and groundwater availability predictions (refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR). The proposed project would increase capacity at the Landfill and would allow it to accommodate waste for approximately 25 more years. There is insufficient data to suggest that a global-warming induced drought may occur in the time period. In addition, with removal of the compost operation, the FEIR concludes that there is a substantial groundwater supply buffer, even in dry years (refer to V.K.5.b(7)). No changes to the FEIR are necessary.</p>
JH-5	<p>This comment outlines chemical constituents of water in monitoring wells and the need for this to be evaluated in the EIR. The EIR does not need to determine whether or not neighbors have safe drinking water. It does need to determine whether or not the Landfill has or would affect groundwater quality. Based on intensive monitoring efforts at the Landfill there is a thorough record of groundwater quality. Occasionally the concentrations of certain constituents in the groundwater increase or decrease. As the commenter points out, some of these constituents are also found, in similar concentrations, in areas up-gradient of the Landfill, indicating that they are most likely unrelated to Landfill activities. A review of the 2007 RMC report (available at the County Planning Department and RWCQB offices) revealed that in general concentrations of measured constituents are below thresholds warranting and action other than continued monitoring. In some cases, based on the constituent or the concentration, the RWQCB has required further testing. This is described in the revised and recirculated Section V.K., Water Resources, of the Final EIR. The composition of the leachate generally differs from groundwater, indicating that the module lining system is functioning. Because the leachate is not for potable use, concentration thresholds are different. No changes to the FEIR are necessary.</p>
JH-6	<p>This comment states that an analysis needs to be prepared addressing the concerns outlined in the previous comment. Please refer to response JH-5 above. No changes to the FEIR are necessary based on the above response.</p>
JH-7	<p>Groundwater quality is considered within the revised and recirculated Section V.K., Water Resources, of the Final EIR. Table VI-2, of Section VI, Alternatives Analysis, does not expand upon every impact type within the issue area. The alternatives analysis is meant for generalized or qualitative comparison of potential project alternatives. No changes to the FEIR are necessary.</p>
JH-8	<p>This comment states that contamination results for the ponds and the stream near the Landfill need to be included in the final EIR. Surface water quality is regulated by the RWQCB under Waste Discharge Requirements Order No. R3-2002-0065, which includes prohibitions, specifications, and provisions addressing waste disposal design and operations to protect water quality. The Landfill is also regulated in accordance with the State Water Resources Control Board (State Water Board) Water Quality Control Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, and Waste Discharge Requirements (WDR) for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities (General Industrial Stormwater Permit). Construction activities for the modules will also require an individual Stormwater Pollution Prevention Plan (SWPPP). Recent inspections of the Landfill by the RWQCB have shown that the Landfill has had difficulties meeting these standards during periods of heavy rain. The FEIR calls out discharges as an impact and recommends mitigation (refer to Section V.K., Water Resources, of the Final EIR).</p>
JH-9	<p>This comment states that neighboring wells have seen a reduction in volume of flow rate and that the Redesigned Project Alternative would not likely result in a reduction of water usage - or reduce the number of Class I Impacts when compared to the proposed project. The EIR is in agreement</p>

Comment No.	Response
	with this comment in that it states "This alternative would use a similar volume of groundwater for use as daily dust control, dust control during excavation, and in the MRF. Water used for landscaping the entrance would be reduced because the entrance would not be moved. However, because this alternative would result in additional oak tree impacts (see Biological Resources discussion below), the total water used for landscaping may be equal to the proposed project." No changes to the FEIR are necessary.
JH-10	The commenter states that the proposed project and the Redesigned Project Alternative would accelerate groundwater basin depletion. With removal of the compost operation, it can be agreed that under both scenarios, groundwater would be used but would not result in depletion of the basin, neither from a project-specific or a cumulative standpoint. No changes to the FEIR are necessary.
JH-11	This comment states that the EIR should require litter pick-up on State Route 227 for within five miles of the Landfill at a frequency of once per week and also include a litter hotline. The EIR identifies fugitive trash is a Class I Impact (significant and unavoidable) and recommends substantial mitigation in an effort to minimize this impacts (e.g., preparation of a Litter Control Plan, trash pick-up on neighboring properties, litter control fences, litter barriers, litter control phone number, contact information posting for enforcement agencies, etc.). No changes to the FEIR are necessary.
JH-12	This comment states a complaint regarding odors emanating from the Landfill. Odors have been analyzed in detail in the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR. This section of the EIR identifies odors as a Class I unavoidable and significant impact and recommends a number of mitigation measures. It should be noted that even with removal of the compost operation from consideration as part of future operations, the Class I odor impact remains. No changes to the FEIR are necessary.
JH-13	This comment outlines further concerns over odors in relation to the compost operation. Please refer comment JH-12 above as well as the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR.
JH-14	This comment states that use of a remote landfill alternative will not expose population centers to landfill odors. The evaluation of the "Alternative Project Location" (Alternative #3) concurs with this comment. No changes to the FEIR are necessary.
JH-15	This comment asks why the EIR does not answer the question of who will pay for groundwater contamination clean-up. The EIR did not identify groundwater contamination impacts associated with the proposed project. However, should the proposed project result in groundwater contamination at some point in the future, the RWQCB (as an extension of their ongoing/existing monitoring program) would be the agency responsible for determining the appropriate clean-up actions and the responsible financial party. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR.
JH-16	The 2007 Environmental Checklist prepared by the County is an Initial Study that was used by the County to determine which issues have the potential to result in significant impacts – warranting further and more detailed evaluation in the 2009 DEIR. The issues that required further study have been studied in the EIR. In some cases the impacts are significant and unavoidable, in others they are significant but mitigable. No changes to the FEIR are necessary.

*Coral De Piedra*

March 13, 2009



Dear Mr. McKenzie,

We are writing this letter in response to the Environmental Impact Report for the Cold Canyon Landfill Expansion.

The EIR identifies many unavoidable, significant environmental impacts. They are shown as significant, adverse and unavoidable. As a citizen of this community and neighbor of the Landfill, we consider any single residual impact that is significant, adverse and unavoidable to be reason enough to stop this project.

HRP-1

Since there are many significant, adverse and unavoidable impacts, we would certainly expect the Planning Department to stop the project if all of these issues cannot be mitigated.

HRP-2

We are presently and have been adversely affected by many of these impacts and have been for many years. We see the potential for more impacts that are even more serious in respect to water and that is the quality and quantity of water. The EIR doesn't identify any resolution to the water problem we may face in the future. We consider these adverse impacts to our lives unacceptable for our community.

HRP-3

Therefore, we request the project be stopped until all the impacts are mitigated.

Sincerely,

Hubert and Roberta Patchett

Cc: Planning Department  
Adam Hill, Supervisor

*Hubert Patchett*  
*Roberta Patchett*

**Response to Letter from Hubert and Roberta Patchett,  
dated March 13, 2009**

Comment No.	Response
HRP-1	This comment states that one residual impact associated with the proposed project is enough reason to stop the project. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project above. No changes to the FEIR are necessary.
HRP-2	This comment states that one residual impact associated with the proposed project is enough reason to stop the project. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project above. No changes to the FEIR are necessary.
HRP-3	This comment states concern regarding future water quantity and quality impacts as well as a request that the project be stopped until impacts are mitigated. With removal of the open windrow compost operation, water supply impacts associated with the proposed project are considered insignificant and do not require implementation of mitigation. Water quality impacts have been identified and with implementation of mitigation are considered mitigated to a level of insignificance. Refer to Section V.K., Water Resources. No changes to the FEIR are necessary.

John McKenzie

Page 1 of 2

Comments on Cold Canyon Landfill Expansion Draft EIR  
Leroy McChesney  
to:  
jdmckenzie  
03/14/2009 02:44 PM  
Cc:  
"Bruce Falkenhagen", "Save Edna Valley"  
Show Details

John McKenzie  
County Planning and Building Department  
976 Osos St. Rm 300  
San Luis Obispo, CA 93408

March 14, 2009

**Comments on Cold Canyon Landfill Expansion Draft EIR**

John,

I am very concerned that the proposed expansion of Cold Canyon Landfill will have a devastating effect on the environment and quality of life for those of us who live in the area. Although I have several concerns about the Draft EIR, I am going to limit my comments to two areas; ground water quality and alternate project locations.

**Ground Water Contamination**

The October 21, 1991 Planning Commission Staff Report indicated concerns about the ability to monitor ground water contamination.

LJM-1

*“significant natural variations in the ground-water composition make the use of naturally occurring chemical parameters as indicators of landfill impact on ground water problematic; an effective methodology for attributing specific differences in ground-water chemistry to either natural variations or landfill-related activity cannot be developed and implemented with the inorganic and general water quality data currently available” (page 8 of WQPS report)*

This was not adequately addressed in 1991 and is still not addressed in the current Draft EIR. The Draft EIR is little more than an overview of current data available from the RWQCB. The number and location of surrounding private land owner wells is incomplete and no data from those wells is included in the report.

The lack of data from other wells in the area calls into question the validity of the hydrogeologic ground water migration model. This model is key in determining the strategic location of monitoring wells. There is anecdotal evidence from the behavior of neighboring wells that suggests the ground water under the site migrates east – west parallel to rock strata. This east – west direction of migration is contrary to the current hydrogeologic model. Without data from surrounding wells to confirm the hydrogeologic model, the picket line of monitoring wells along the southern boundary of the project may be ill placed. If the monitoring wells are not in the correct location to detect potential contamination from the landfill, then the amount and extent of contamination, and its effect on ground water quality cannot be known.

LJM-2

The very fact that ground water quality is not listed as potentially significant impact undermines the credibility of the Draft EIR.

LJM-3

file://C:\Documents and Settings\jdmckenzie\Local Settings\Temp\notesD30550\~web1604.... 3/16/2009

John McKenzie

Page 2 of 2

**Alternate Project Locations**

The Draft EIR lists ten Class I Unavoidable Significant Environmental Impacts. All but two are shown to have significant, adverse, and unavoidable residual impacts. I would argue that the depletion of groundwater resources may have the most significant residual impact off all and merits inclusion.

**LJM-3  
(cont'd)**

A proposed project with this level of significant and unavoidable impacts must give the highest priority to consideration of alternatives. Yet, the Draft EIR's consideration of alternative locations is little more than a rehash of previous studies. The report readily admits that the information in previous studies is dated and two of the studied alternative locations are no longer valid. The consideration of alternative sites in the Draft EIR is not serious, comprehensive, or exhaustive enough to satisfy the requirements of CEQA.

**LJM-4**

Understand that we are not just malcontent neighbors that don't want a dump in their backyard. I was born in San Luis Obispo county as were my parents and grandparents before me. The proposed Weir property expansion site is on land that once belonged to my great grandfather John Armstrong Patchett. We have lived with this landfill since 1965 and the burning dump before that. The only reason the landfill is where it is; is because the land was cheap and available. There were no environmental studies in 1965. The landfill is, and always has been, in a poor location. It's windy, it's not really "filling" anything, there is little or no water, it's next to a scenic highway, the geology is too complex, and it is too close to residential and agricultural assets.

**LJM-5**

The history of the landfill has been to take the path of least resistance and expand what they have rather than look for the best possible location. The people of San Luis Obispo County deserve better.

**LJM-6**

Sincerely,

Leroy and Jacquelyn McChesney  
1175 Dairy Lane  
Arroyo Grande, CA 93420

file:///C:/Documents and Settings/jmckenzie/Local Settings/Temp/notesD30550~web1604.... 3/16/2009

**Response to Letter from Leroy and Jacquelyn McChesney,  
dated March 14, 2009**

Comment No.	Response
LJM-1	<p>This comment states that the groundwater quality analysis contained in the EIR is little more than an overview and is incomplete. The 2007 RMC report (available at County Planning Department and RWQCB offices) provides an approximately 17 year historical record of groundwater quality. Groundwater sampling occurs regularly in wells located up-gradient, and down-gradient of the Landfill disposal area. That monitoring program is overseen by the RWQCB. The Landfill is subject to water quality sampling requirements contained in the adopted Waste Discharge Requirements (WDR) Monitoring and Reporting Program (MRP) No. R3-2002-0065. The MRP requires that 15 of the monitoring wells on-site be sampled and analyzed on a quarterly or semiannual basis as a part of three routine monitoring programs. Detection monitoring includes those constituents that have not been exceeded. Corrective action monitoring is based on inorganic constituents that occasionally exceed statistically-derived concentration limits for chloride, sulfate, or dissolved manganese. All constituents involved with corrective action monitoring are naturally-occurring or associated with naturally-occurring oil and tar in the geologic formations underlying the site. There has been some indication that leachate may have been released from the Landfill, however, given the lack of VOCs in the groundwater, it may be that the results are due to natural fluctuations in local groundwater conditions. Refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information. No changes to the FEIR are necessary.</p>
LJM-2	<p>This comment calls into question the validity of the groundwater monitoring and modeling occurring as part of Landfill operations and as overseen by the RWQCB. There is no evidence provided that groundwater is migrating in a direction contrary to that identified in previously prepared geologic reports for the project. Hydrogeologic conditions at the Landfill are based on data from the drilling and installation of monitoring wells. The drilling, installation, pump testing, and regular sampling of the network of monitoring wells at the Landfill have allowed determination of water level data, hydraulic gradient, flow direction, water quality, and aquifer characteristics (Fugro, 2008). A total of 20 monitoring wells are present at the Landfill. Per State law, before the expansion of the disposal area can begin, the applicant must obtain one year of background water quality data from the monitoring well network. Data obtained from these data would be used to develop the future WDRs and MRPs. The intent of the MRP would be to obtain water quality data from the recently installed monitoring wells (P-10 through P-14) and the existing monitoring well network. Compliance with the WDRs and MRPs would require quarterly review of water quality data for identification of any statistically-significant releases from the facility. Refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information. No changes to the FEIR are necessary.</p>
LJM-3	<p>The EIR notes that groundwater quality is a potentially significant issue, however based on historical monitoring and the intensity of the regulatory environment, continued compliance with those regulations would adequately mitigate potential impacts to a less than significant level. Overdraft of the local groundwater basin has been eliminated as a one of the project's significant and unavoidable impacts due to the applicant's elimination of the open windrow compost operation from the project description, which was the most intensive water use associated with the proposed project. Refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information. No changes to the FEIR are necessary.</p>
LJM-4	<p>This comment states that the EIR evaluation of alternatives is not exhaustive, serious, or comprehensive. The fundamental premise of an EIR alternatives analysis, per CEQA Guidelines, Section 15126.6, is that an EIR include a reasonable range of alternatives to the proposed project.</p>

Comment No.	Response
	<p>As part of determining a reasonable range of alternatives, an EIR must also take into consideration whether they will feasibly attain most of the proposed project's basic objectives – but would avoid or substantially lessen any of the significant effects of the project. In the this case the project objectives consisted of 1) providing cost effective, long-term waste diversion capacity while helping local communities meet state-mandated waste diversion goals; 2) providing cost effective, long-term disposal capacity while maintaining consistency with the County-wide Siting Element, and optimizing fill space on the project property; and, 3) providing a well-engineered and environmentally sound operation that meets or exceeds federal, state, and local standards to minimize the impacts of waste diversion and disposal activities, and protects and enhances the site's sensitive biological resources. The EIR started with an initial screening of seven preliminary alternatives, and then taking into consideration the above factors, narrowed the analysis down to four alternatives (one of which examines five off site alternatives). Given the guidelines for preparation of an alternatives analysis, it appears that this section is in fact serious and comprehensive. No changes to the FEIR are necessary.</p>
LJM-5	<p>This comment addresses the history of the Landfill, why it is located where it is today, and that it is in a fundamentally flawed location. The issues identified by the commenter have also been addressed in the EIR. In some cases impacts have been reduced to a less than significant. In other cases, the impacts are significant and unavoidable. No changes to the FEIR are necessary.</p>
LJM-6	<p>This comment states that the history of the Landfill has been to take the path of least resistance and expand, rather than locate somewhere else. A case can be made that due to the 1991 Siting Study and the alternatives analysis in this EIR, that siting a new landfill is a challenging proposition that can result in a similar number of environmental issues as those associated with expanding the Landfill at its current location. The decision makers will have an opportunity to take into consideration such factors as the well-being of the people of San Luis Obispo County. No changes to the FEIR are necessary.</p>



Landfill expansion

Gerhard Rehkugler o jdmckenzie

03/14/2009 11:26 AM

History: This message has been replied to.

Second reflections on your draft EIR.

Section E Areas of controversy.

Why is the impact on water resources missing in this section? Is it just an oversight or what else? The information presented on this subject was rather cursory and the mitigation of the problem treated rather careless as an AG Impact 1 only. The draft report would be more believable if it would state the estimated increase in water usage and also mentioned the present usage in documented numbers. The only mitigation would be the bringing in of water from non local sources.

GR-1

GR-2

The present air quality situation is barely tolerable. The imitation of an increased composting operation would require to locate the operation in an enclosed building. It would be very helpful if the draft report would have stated the permit limitations of the present operation.

GR-3

Sincerely  
Gerhard Rehkugler  
2565 Carpenter Cyn Rd  
SLO 93401 Ca  
543 1882

Free information on getting a Degree in Nutrition. Click Now!  
<http://thirdpartyoffers.juno.com/TGL2141/fc/BLSrjptOYFxrre2aAZk6CtysL2FFH1UTPuuYJa19F7bhsDIQx7xsLjBpU8/>

**Response to Email from Gerhard Rehkugler,  
dated March 14, 2009**

Comment No.	Response
GR-1	This comment asks why water supply is not listed in the "Areas of Controversy" section of the EIR. The reason is because the Areas of Controversy section describes those areas of controversy that were identified during the scoping meeting prior to preparation of the EIR. Few comments were made regarding water resources. No changes to the FEIR are necessary.
GR-2	This comment appears to call into the question the detail associated with the water supply evaluation but also references the Agricultural Resources section of the EIR. Section V.K., Water Resources, contains a detailed description of the proposed project's water use, water supply, potential impacts, and mitigation measures. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR. No changes to the FEIR are necessary.
GR-3	This comment states that the EIR should include the permit limitations associated with the former compost operation. This comment does not require further response because the existing compost operation has been taken out of commission and the previously proposed compost operation has been eliminated from the project description. No changes to the FEIR are necessary.

James & Margaret Neville  
2387 Carpenter Canyon Road  
San Luis Obispo, CA 93401

SEAL  
PLANNING/BUILDING  
DEPT  
2009 MAR 15 PM 4:46

March 15, 2009

John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

Re: Expansion of Coldwater Canyon Landfill

Dear Mr. McKenzie:

We live approximately one-half mile north of the landfill. We have lived on our property for over 4 years. Over those years the most dramatic change has been the increased frequency of the odor coming from the landfill. The odor was very infrequent in our first few years living on the property, but this last year the odor has been more and more frequent - sometimes as much as 6 or 7 days out of any given month. We understand that the increased odor is due to the composting and that with the proposed expanded composting, the odor could be a constant problem.

JMN-1

If the expansion is allowed to go forward the resulting increased odor, noise, traffic, water pollution and depletion, would have a devastating impact on the enjoyment, use and value of our property and as well for our neighbors.

JMN-2

We hope that the final Environmental Impact Report will be updated to reflect how the landfill will greatly reduce the water available to its neighbors and the many other negative environmental impacts that do not have any way to be mitigated.

JMN-3

Thank you for your consideration.

Sincerely,

Margaret and James Neville

**Response to Letter from James and Margaret Neville,  
dated March 15, 2009**

Comment No.	Response
JMN-1	This comment expresses concern over existing odors thought to be emanating from the former compost operation as well as concern for increased odors from an expanded compost operation. The existing compost operation has been taken out of commission and the previously proposed compost operation has been eliminated from the project description. This comment does not require further response other than to reference the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR, which identifies odors as a significant and unavoidable impact as well as odor mitigation. No changes to the FEIR are necessary.
JMN-2	This comment states that the environmental issues associated with the proposed project would result in a devastating impact on use, enjoyment, and value of their property. Please refer to Section X.D. and X.E., Quality of Life and Property Values above. No changes to the FEIR are necessary.
JMN-3	This comment states that the EIR should be updated to reflect how the project will affect water availability. The DEIR, as well as the FEIR, both provide a detailed evaluation of the proposed project's effects on the supply of groundwater. The DEIR identified significant and unavoidable impacts and, due to the applicant's removal of the compost operation from the project, the FEIR identifies insignificant effects to water resources. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR. No changes to the FEIR are necessary.

1810 Carpenter Canyon Road  
San Luis Obispo, CA. 93401  
March 16, 2009

John McKenzie, Project Manager  
County of San Luis Obispo, Department of planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA. 93408-2040

Dear Mr. McKenzie:

Listed below are my concerns of the current Cold Canyon Landfill Expansion, the impacts to the community, corrections and additional recommendations to the draft EIR.

Can you please explain why San Luis Obispo County would even consider this expansion when the landfill project has so many Class 1 "Unavoidable Significant Environmental Impacts"? There are just too many severe conditions to pile on the back of the community neighboring the landfill.

SBB-1

Why are we not staying focused with the Planning Commissioners and County Board of Supervisors beliefs and mission statement? This is such a beautiful and breathtaking area of the Central Coast, it seems the County has currently lost it's way in preserving the many wild and scenic lands which this project will destroy now and for many years to come. What happened to the concerns of quality of life issues; which affect water quality, depletion, traffic congestion and urban sprawl?

SBB-2

Why are we not considering **Future Solutions**?

SBB-3

**Future Solutions:** The Final EIR should contain reviews of ALL types of waste to Energy Systems. The DEIR limits the practical solutions of waste to energy systems, which impact odor, emissions and aesthetics. There are existing solutions, which would eliminate the Class 1 "Unavoidable Significant Environmental Impacts".

Trash-to-energy is a methodology for processing trash/waste, other than combustion (i.e., incineration), that maximizes materials and energy recovery thereby conserving the dwindling capacity of existing landfills. Trash-to-energy produces saleable byproducts, including energy and diesel fuel from waste.

SBB-4

The most efficient form of trash-to-energy processing is anaerobic technology. Creative Projects Management, LLC (CPM) could be the future key to resolving San Luis Obispo County's waste, landfill and significant impacted environmental issues. It is time to rethink the old school approach to the ever-growing waste problem that both we and the entire country are challenged with.

SBB-5

Could the County be proactive in solving the community trash solution by using one of the potential alternative landfill sites for the implementation of this closed loop anaerobic system? The 2009 draft EIR provided the Ontario site as a potential alternative or even the Sycamore Canyon site, which the 1991 siting study recommended.

SBB-6

Either location would be ideal for implementing this superior design, which is high energy efficient and creates revenue opportunities. The CPM facility costs 40-50% less to build than the incineration/plasma plants. It also has lower operating costs, uses less manpower, and has no "emissions". As an additional benefit, it has a quicker permitting process as well.

**SBB-6  
(cont'd)**

The CPM facilities boast one of the smallest footprints for a waste-to-energy facility and a diversion rate (material recycled instead of going to a landfill) of over 90%.

**SBB-7**

During the May 2007 scoping meeting, the public was informed that Cold Canyon had not pursued another alternative site since 1991, because it would cost too much and take up to 10 years to be approved and operating.

**SBB-8**

According to CPM documented construction and operation data, once the permits are approved, it takes 12 –16 months from ground-breaking to completion of one module. Add an extra 3 months for additional modules.

I would be happy to share more about "The Trash to Energy Solution" if the County would like to take a proactive stance to a cost-effective and long-term waste diversion and disposal solution within San Luis Obispo County.

**SBB-9**

### **III Project Description:**

#### **Disposal Area:**

- How many current modules have composite liners containing waste?

**SBB-10**

#### **Module Lining:**

- What is CCL claim for the lifespan of their composite liners? EIR should have CCL's warranty and liability claim documented.
- How does CCL plan to deal with the unanticipated chemical combination with unpredictable results to the environment and the groundwater? EIR should have CCL outline and document their cleanup procedures.
- When intermixing of inorganic and organic wastes, waste of high and low pH, and wastes producing different physical properties; how will CCL deal with the influences that this puts into our environment and groundwater? CCL must have their processes, standards and procedures of managing the intermixing influences outlined and documented in the EIR.
- With CCL mixing waste they cannot anticipate future chemical combinations, even if the CCL selects current liners, which are compatible with the today's known wastes. The more complex chemicals become, the interaction is less predictable with negative results impacting our environment and groundwater. What is CCL's plan to mitigate the negative results impacting our environment and groundwater? CCL must outline their processes, standards and procedures in the EIR for mitigating the all the negative impact of chemical intermixing to the environment and groundwater.
- H. Hazards and Hazardous Materials – Existing Conditions: **During field visits by the EIR consultant NO tarped loads were inspected.**

**SBB-11**

**SBB-12**

**SBB-13**

**SBB-14**

**SBB-15**

"Existing Conditions" outlines #1. Checking, tarped loads and questioning public customers that enter the CCL. **EIR consultant has validated the fact that CCL behavior/process is accepting any kinds of materials, which reinforces the fact CCL is operating like a CLASS I / II Landfill not a CLASS III.**

**Also, Cold Canyon Representative stated at the May 2007 Scoping meeting; question 5 - "Whatever waste is generated is what we accept; that's the way it is right now."**

"Existing Conditions" outlines #3. Using onsite staff to identify prohibited items inadvertently dumped into the permanent disposal area... On several occasions I have watched for myself the onsite staff direct traffic and not look to see what is being dumped. Soon as the material and waste is dumped, the CCL heavy equipment rolls over and buries it in the permanent disposal area.

- How long will the Cold Canyon Landfill operators be responsible for the landfill once it is closed (post-closure)?
- Cold Canyon Landfill is required by WDR to submit the Closure and Postclosure Plan to the RWQCB by August 18, 2006. Cold Canyon did not do this.

#### Reference

**In the FEDERAL REGISTER Feb. 5, 1981, the EPA first stated its opinion that all landfills will eventually leak:**

"There is good theoretical and empirical evidence that the hazardous constituents that are placed in land disposal facilities very likely will migrate from the facility into the broader environment. This may occur several years, even many decades, after placement of the waste in the facility, but data and scientific prediction indicate that, in most cases, even with the application of best available land disposal technology, it will occur eventually." [pg. 11128]

"Manmade permeable materials that might be used for liners or covers (e.g., membrane liners or other materials) are subject to eventual deterioration, and although this might not occur for 10, 20 or more years, it eventually occurs and, when it does, leachate will migrate out of the facility." [pg. 11128]

"Unfortunately, at the present time, it is not technologically and institutionally possible to contain wastes and constituents forever or for the long time periods that may be necessary to allow adequate degradation to be achieved." [pg. 11129]

"Consequently, the regulation of hazardous waste land disposal facilities must proceed from the assumption that migration of hazardous wastes and their constituents and by-products from a land disposal facility will inevitably occur." [pg. 11129]

**July 26, 1982, the EPA again put its opinions into the FEDERAL REGISTER, emphasizing that all landfills will inevitably leak:**

"A liner is a barrier technology that prevents or greatly restricts migration of liquids into the ground. No liner, however, can keep all liquids out of the ground for all time. Eventually liners will either degrade, tear, or crack and will allow liquids to migrate out of the unit." [pg. 32284]

"Some have argued that liners are devices that provide a perpetual seal against any migration from a waste management unit. EPA has concluded that the more reasonable assumption, based on what is known about the pressures placed on liners over time, is that any liner will begin to leak eventually." [pgs. 32284-32285].

**In the FEDERAL REGISTER May 26, 1981, (pgs. 28314 through 28328), the EPA argued forcefully that all landfills will eventually leak. Another EPA quote:**

"Many organic constituents are stable (degrade very slowly); other hazardous constituents (e.g., toxic metals) never degrade. Yet the existing technology for disposing of hazardous wastes on or in the land cannot confidently isolate these wastes from the environment forever.

SBB-15  
(cont'd)

SBB-16

SBB-17

"Since disposing of hazardous wastes in or on the land inevitable [inevitably?] results in the release of hazardous constituents to the environment at some time, any land disposal facility creates some risk." [pg. 28315]

**SBB-17  
(cont'd)**

EPA went on to estimate that the duration of the hazard from a landfill would be "many thousands of years." [pg. 28315] And the Agency said, "The longer one wishes to contain waste, the more difficult the task becomes. Synthetic liners and caps will degrade; soil liners and caps may erode and crack. ...EPA is not aware of any field data showing successful long-term containment of waste at facilities which have not been maintained over time." [pg. 28324] "Ultimately, waste reduction and resource recovery probably provide the best alternative to land disposal," said the EPA [pg. 28325]

**"Module Lining and Caps" should be listed as a "Description of Impact" of the proposed project. Linings and Caps will degrade; hazardous constituents that are placed in landfill disposal facilities will migrate from the landfill into the broader environment. This is a CLASS 1 – Significant environmental impact that cannot be mitigated or avoided.**

**Leachate:**

- Where is the Leachate production and composition testing results in the CCL DEIR? DEIR states Leachate results are presented in Appendix E – Summary of Recent Leachate Analytical Results. Appendix E. has nothing about Leachate. **SBB-18**
- Where is the chart of the minimum and maximum levels of chemicals acceptable in the groundwater? **SBB-19**
- Why is the leachate production only tested quarterly? **SBB-20**
- Why is the leachate composition only tested once a year? This testing should be performed more often than quarterly. **SBB-21**
- Who is the actual party performing the testing? **SBB-22**
- What is the difference between production and composition testing? **SBB-23**
- Why would some Cancer causing chemicals be Tested/Analyzed one year and not the next year? **SBB-24**
- Does CCL test different wells, which were tested the previous year? Meaning when one well tests positive for chemicals the operator will run the same test but at a different well which can and many cases will produce different results for each new year? **SBB-25**
- What are the toxic chemicals and micro-organisms (bacteria and viruses) being tested? **SBB-26**
- Do the tests cover mercury? (Usage and disposal of Fluorescent lights are increasing, which have mercury in the bulbs) **SBB-27**
- What are the chemical levels being tested? **SBB-28**
- Is it really true the CCL leachate is considered to be non-hazardous and not harmful when approximately 700,000 gallons of leachate is generated annually? Can the CCL explain why their leachate which has toxic chemicals and micro-organisms (bacteria and viruses) be considered non-hazardous? **SBB-29**
- It seems the leachate is currently being used for dust control? Fugro stated pg 26 that the generated leachate offsets groundwater pumpage for dust control as an inlieu water source. **SBB-30**
- Is the landfill spraying leachate possibly contaminated with MTBE (and other cancer causing eliminates) on the CCL roads and compost rows? **SBB-31**
- Are the employees being exposed to the MTBE (and other cancer causing eliminates) from the use of contaminated leachate? **SBB-32**

- Is the public, which uses the landfill being exposed to the MTBE (and other cancer causing eliminates) from the use of contaminated leachate?
- Is the landfill selling compost, which has been contaminated with leachate containing MTBE (and other cancer causing eliminates)?
- How does CCL plan to keep the leachate collection system working properly for many decades (much less many hundreds of years)?
- Again, how long will the Cold Canyon Landfill operators be responsible for the landfill once it is closed (post-closure)?

SBB-33

SBB-34

SBB-35

SBB-36

References

**Rachel Hazardous Waste News #119 March 7 1989, News and resources for environmental justice. (Environmental Research Foundation):**

SBB-36a

Leachate collection systems fail in several known ways. First, they can clog up from silt or mud. Second, they can clog up because of the growth of microorganisms in the pipes. Third, they can clog because of a chemical reaction leading to the precipitation of minerals in the pipes; anyone who has boiled a pot of "hard" water and seen the whitish crusty residue in the bottom of the pot knows what "precipitated chemicals" look like. Fourth, the pipes themselves can be weakened by chemical attack (acids, solvents, oxidizing agents, or corrosion) and may then be crushed by the tons of garbage piled above them.

The book, AVOIDING FAILURE OF LEACHATE COLLECTION AND CAP DRAINAGE SYSTEMS, by Jeffrey Bass, discusses these four failure mechanisms. The first problem (silt) can sometimes be avoided, or at least reduced, by installing a "filter layer" above the leachate collection system. The filter layer may be made up of gravel or of a rug-like plastic material called "geotextile." Since the oldest leachate collection systems date from the early 1970s, humans have very little experience with the long-term performance of leachate collection systems. The hope is that a "filter layer" will solve the siltlogging problem, but after many decades the entire filter layer itself may clog. Only time will tell.

The growth of microorganisms seems to be an uncontrollable problem. The conditions for growth of slime-forming microorganisms are not well understood. Even if they were understood, we could not control chemical and physical conditions (temperature, pH, etc.) at the bottom of a landfill because of the thousands of tons of wastes heaped up in the landfill.

The problem of chemical precipitation also appears to be uncontrollable. The chemical conditions that lead to precipitation may be knowable, but again the conditions in the leachate collection system cannot be controlled because the system is not accessible once wastes have begun to be dumped into the landfill.

The last problem--chemical attack on the leachate collection pipes, leading to destruction of the pipes themselves--also appears to be an unsolvable problem. Mr. Bass suggests, in best ivory tower fashion, that the way to control chemical attack on the pipes is to select pipes that are resistant to the chemicals that you know will make their way into the landfill. In principal, this is a good idea. But in the real world, how do you know what's going to be put into your landfill next week? Next year? With 1000 brand new chemicals being put into commercial use each year, over the next 10 years, today's leachate collection pipes may come into contact with 10,000 new chemicals that don't even exist today. Any of those chemicals may attack the pipes. In addition, chemicals mixing together inside a landfill will create new chemical combinations that may produce heat or may otherwise attack the pipes.

Mr. Bass's book is misnamed because it seems to suggest that the failure of leachate collection systems can be avoided. However, as the text of Mr. Bass's book makes abundantly clear, if such failures were to be avoided, it would be by dumb luck, not by engineering design. Only a fool trusts dumb luck.

**"Leachate" should be listed as a "Description of Impact" of the proposed project. Leachate collection systems fail in several known ways. This is a CLASS 1 – Significant environmental impact that cannot be mitigated or avoided.**

**Draft EIR Executive Summary Excerpt:****“E. Areas of Controversy”**

Important and significant concerns/questions were ignored or missed in the Draft EIR, which we the landfill neighbors brought up during the May 2007 Scoping meeting and during the public comment period. | **SBB-37**

These Significant Areas of Controversy should be included with the current four outlined in the Draft EIR, Executive Summary and they should be identified within the Table IV-3 as “Inconsistent with San Luis Obispo Plans and Policies”: | **SBB-38**

**#1 WATER – Groundwater Depletion:**

- (Question 56) What happens if/when the landfill shuts off my (Corbett and Carpenter Cyn population) well and we have no more water? There was no mention or answer to this question. Will the landfill pipe water in to replace what it has taken and/or contaminated? | **SBB-39**
- (May 21, 2007 Letter of comments) sent to John McKenzie. What is the long-term impact to our ground water elevation? Need real historical data not hypothetical data or hear say from the CCL general manager. Why are the current wells now being required to have meters for tracking water with the proposed expansion? These meters should have been required and in place long before now. | **SBB-40**
- What will the County, Landfill and SLO Community do when we have no more water to support any kind of Landfill operation? | **SBB-41**
- When this area dries up – what will happen to all the wildlife that live here and depend on the water and the beautiful marsh areas located near and around the Cold Canyon landfill? Will the landfill pipe water in to replace what it has taken and/or contaminated? | **SBB-42**
- Having no water will impact the surrounding Ag community, which currently grows food, grapes and livestock for our community. Why is it more important to use what water we have for Trash instead of using it for current community food needs. We are living in a drought state and need to conserve water. | **SBB-43**
- 2007 Checklist: Stated there would be an investigation of draw down of wells of neighboring properties. Never found data pertaining to this in the DEIR. | **SBB-44**
- 2007 Checklist: Hydraulic connection between the landfill aquifer and that beneath adjacent properties was not presented. | **SBB-45**

**#2 WATER – Groundwater Contamination:**

- (Questions 52, 53, 54, & 55) Also, found nothing in the DEIR on the leak detection system stated by Cold Canyon Representative. | **SBB-46**
- What is the recourse when groundwater is found contaminated? MTBE (which can't be cleaned up) and other toxins have been found. | **SBB-47**
- (Question 55) & 2007 Checklist pg.33 Item 14: Cold Canyon Representative answered question 55 scoping landfill is required by the state for clean up of ground water. How much / what are the funds that the landfill has currently set aside for | **SBB-48**

contamination events? Will the funds cover landfill liability to the neighboring residents?	<b>SBB-48 (cont'd)</b>
<ul style="list-style-type: none"> <li>• 2007 Checklist: The impact of landfill leakage on groundwater quality in the vicinity of the landfill was not presented. Never tested residential areas.</li> </ul>	<b>SBB-49</b>
<b>#3 NOISE:</b>	
<ul style="list-style-type: none"> <li>• (Questions 16&amp;29) Noise..Odor...Trash has not gone away with previous expansion – still a problem even 1.5 miles away. Previous mitigation measures are not working. How will new mitigation measures will work when the current and past mitigation have not?</li> </ul>	<b>SBB-50</b>
<ul style="list-style-type: none"> <li>• (Question 17) Back up alarms and engine roar equipment screeching, banging are carried into the surrounding canyons. How much will noise increase? In Environmental Setting; Under General Plant Noise Element proposed action will not mitigate the noise problem. The proposed action is not consistent with the plans and policies of SLO County. It is inconsistent with public plans creating a significant adverse physical effect impact under CEQA. The Draft EIR clearly states the project would create significant amounts of vehicle traffic on the access road, which would result in exceedance of the 60 dBA outdoor noise threshold as defined by the Noise Element. Mitigation measures – a noise berm will not lessen the noise impact of the vehicle traffic, which significantly impacts the surrounding residents even today.</li> </ul>	<b>SBB-51</b>
<ul style="list-style-type: none"> <li>• (Question 34) Can you please explain the berms in how it relates to the noise factor? How will the berm lessen the impact to the neighboring homes?</li> </ul>	<b>SBB-52</b>
<ul style="list-style-type: none"> <li>• All sensitive receptors (SR) is stated to be residences and are referred to as “SR-#”. There were no residences used in the noise data collection.</li> </ul>	<b>SBB-53</b>
<ul style="list-style-type: none"> <li>• Who decide where to put the test receptors? The receptors were only stationed on the CCL property - none were ever set up where the noise is impacting us the neighbors.</li> </ul>	<b>SBB-54</b>
<ul style="list-style-type: none"> <li>• (Question 16/20) I brought the noise issue up which the neighbors on 227 and Noyes hear daily. Significant amounts of vehicle traffic noise on the access road such as Noyes and 227 is continuously full of dump trucks roaring to and past the stop sign. Every dump truck going and coming south from the landfill squeals to a stop at the Noyes stop sign and then roars down 227 with additional load bangs and throttle noise. Plus, other trucks/vehicles traveling to the landfill create the same amount of continuous noise.</li> </ul>	<b>SBB-55</b>
<b>#4 Service Area/Quantity of Garbage &amp; Biosolids:</b>	
<ul style="list-style-type: none"> <li>• (Questions 18) The landfill neighbors loudly expressed concerns on the quantity of trash, composting and everything else the landfill will bring with this proposed expansion. Why is there a request to increase a 100 tons of biosolids a day?</li> </ul>	<b>SBB-56</b>
<ul style="list-style-type: none"> <li>• As of today’s date where are the biosolids coming from?</li> </ul>	<b>SBB-57</b>
<ul style="list-style-type: none"> <li>• Why would there be a request of 280 TPD of biosolids (a pollutant which is from household commercial and industrial wastewaters such as metals, pathogens (which are disease-causing organisms), and chemical pollutants) being brought in to the Material Recovery Facility?</li> </ul>	<b>SBB-58</b>

- Where does the landfill plan to get more biosolids in the future? | SBB-59
- Is CCL leachate being used on the biosolids? | SBB-60
- What is CCL doing with the biosolids? | SBB-61
- How is CCL controlling levels of pollutants, which could affect our health and the health of our animals, as well as the longstanding health of our lands and water? | SBB-62
- How is CCL protecting the neighbor's and the public from biosolids pollutant exposure? | SBB-63
- How is CCL protecting the landfill employees from biosolids pollutant exposure? | SBB-64

**Reference**

Archives of Environmental & Occupational Health; *Health Survey of Residents Living Near Farm Fields Permitted to Receive Biosolids*, Spring 2007, Vol. 62, No. 1 11  
 Sadik Khuder, PhD; Sheryl A. Milz, PhD; Michael Bisesi, PhD; Robert Vincent, PhD; Wendy McNulty, MS; Kevin Czajkowski, PhD

SBB-64a

**ABSTRACT**

The authors studied the health status of residents living in Wood County, OH, near farm fields that were permitted to receive biosolids. They mailed a health survey to 607 households and received completed surveys from 437 people exposed to biosolids (living on or within 1 mile of the fields where application was permitted) and from 176 people not exposed to biosolids (living more than 1 mile from the fields where application was permitted). The authors allowed for up to 6 surveys per household. Results revealed that some reported health-related symptoms were statistically significantly elevated among the exposed residents, including excessive secretion of tears, abdominal bloating, jaundice, skin ulcer, dehydration, weight loss, and general weakness. The frequency of reported occurrence of bronchitis, upper respiratory infection, and giardiasis were also statistically significantly elevated. The findings suggest an increased risk for certain respiratory, gastrointestinal, and other diseases among residents living near farm fields on which the use of biosolids was permitted.

**In conclusion**, our findings suggest an increased risk for certain respiratory, gastrointestinal, and other diseases among residents living near farm fields where the application of biosolids was permitted. Moreover, the reported occurrence of certain chronic diseases, such as multiple sclerosis, were elevated in the exposed group. Further studies are needed to determine the relation between time from last application of biosolids and reported health effects as well as to address cited limitations.

**Biosolids should be listed as a “Description of Impact” of the proposed project. Past Biosolids studies have documented great health risks to the public. This is a CLASS 1 – Significant environmental impact that cannot be mitigated or avoided.**

**Before CCL can bring in any more biosolids, the company must be required to conduct and fully fund the studies of short and long-term exposure to neighbor's and CCL's employees that their product won't cause illness and/or increase risk of temporary and/or permanent damage to public health. Also, a study needs to be completed to identify any increase health and/or long-term contamination risks to our Ag and livestock community.**

- (Questions 30 & 31) The landfill neighbors expressed their fear that the expansion is a band-aid for this area and will actually become a landfill serving an area larger than now. What will the Service Area grow to if CCL expansion is approved? | SBB-65
- The section on service area (pg 111-2) is vague. Even the map is vague, Siting study refer to (Figure III-4) which only displays an “approximate” service area. What are the areas, which the landfill is accepting waste/trash from right now?? | SBB-66

<ul style="list-style-type: none"> <li>• Why are we accepting waste from Santa Barbara? Santa Barbara's trash should be disposed in the Santa Maria landfill. Why are our garbage payments covering Santa Barbara's trash disposal?</li> </ul>	SBB-67
<ul style="list-style-type: none"> <li>• We are going to be impacted for 25 years or more by Cold Canyon Landfill expansion, we must limit the input source ONLY to SLO County communities listed on pg III-2.</li> </ul>	SBB-68
<ul style="list-style-type: none"> <li>• What is the current closure dates for the following landfills:           <ul style="list-style-type: none"> <li>• Cold Canyon</li> <li>• Paso Robles Municipal</li> <li>• Chicago Grade</li> <li>• Santa Maria</li> <li>• Johnson (Gozale)</li> <li>• Tafy</li> <li>• Tajiguas (Goleta)</li> </ul> </li> </ul>	SBB-69
 <b>#5 Agricultural Resources:</b>	
<ul style="list-style-type: none"> <li>• (Question 42&amp;43) Are you expecting that with this new add-on, the landfill will last another 35 years...</li> </ul>	SBB-70
<ul style="list-style-type: none"> <li>• When did the parcel expire from the Williamson act, which the proposed project is expanding on?</li> </ul>	SBB-71
<ul style="list-style-type: none"> <li>• The parcel located just south on the expansion area was also under contract, when did the parcel expire from the Williamson act? What is the estimated time frame, which the landfill will begin using this area for their dumping disposal area/MFR/RRR/CO business needs?</li> </ul>	SBB-72
<ul style="list-style-type: none"> <li>• Parcels located to the north and east of the landfill are also under the Williamson act. When will the Williamson act contract expire for these parcels?</li> </ul>	SBB-73
<ul style="list-style-type: none"> <li>• How can the Draft EIR state the following "impacts to Williamson act lands would be less than significant" when the parcels are being outlined for the CCL project expansions?</li> </ul>	SBB-74
 <b>Additional concerns to Air Quality:</b>	
<ul style="list-style-type: none"> <li>• (Questions 16, 28, 59 &amp; 60) Noise..<b>Odor</b>...Trash has not gone away with previous expansion – still a problem even 1.5 miles away... Previous mitigation measures are not working.</li> </ul>	SBB-75
<ul style="list-style-type: none"> <li>• Compost Odor is getting worse!</li> </ul>	SBB-76
<ul style="list-style-type: none"> <li>• Currently Odor complaints are handled in a 2 to 3 day turn around, this is unacceptable when you are forced to live with the odorous emissions.</li> </ul>	SBB-77
<ul style="list-style-type: none"> <li>• There is no mention or mitigation measure for the increase Odor, which will come from the increased 100 to 280 ton/day of biosolids brought in to the Material Recovery Facility? THIS IS A CLASS 1.</li> </ul>	SBB-78
<ul style="list-style-type: none"> <li>• There will be a lot more exposure to the public with odors and pathogen (Bacteria i.e., SALMONELLOSIS, GASTROENTERITIS, DYSENTERY VIRUSES, POLIOMYELITIS MENINGITIS, PNEUMONIA, INFECTIOUS HEPATITIS PARASITES &amp; GIARDIASIS) emissions if biosolids continue to come in with the increased traffic truckloads to meet the outlined 100 to 280 tonnage per day of biosolids.</li> </ul>	SBB-79
<ul style="list-style-type: none"> <li>• Unknowing public communities are not just endangered by the odors...</li> </ul>	SBB-80

**#5 Disease Vector**

- (Questions 23,24,25,57,58, 62,& 63) Seagulls contaminating and impacting the Ag food fields & vegetable corporations...Seagulls in the growing airport flight pattern...Trees are becoming diseased around landfill...airborne pathogens are killing residents trees. **SBB-81**
- With the enormous amount of biosolids coming into the landfill the higher the impact will be that the birds will carry more disease which will affect the public community **SBB-82**
- Biosolids will increase vector attraction. **SBB-83**
- Where is the report data, which documents airport bird incidents? Want a copy of the data report from 1991 to current. **SBB-84**
- High impact to Ag food field/vegetables being contaminated with Ecoli. **SBB-85**
- Where is the report of compost material testing, which claims it is free of pathogens? **SBB-86**
- Where is the report of written enforcement logs/tickets of tarping/coverage of all loads transported to CCL. Where is the data to support that this warning approach is being enforced by the California Highway Patrol. **SBB-87**
- How can no additional mitigated measures not be required - when the mitigated measure that are suppose to be in place are not being enforced? **SBB-88**

**Additional concerns to Vehicle Traffic:**

- (Questions 20,49, 50 &51) Traffic is a hugh issue on 227 and the connecting roads like Noyes. **SBB-89**
- Why was the traffic data omitted from the report, which was obtained from the Cal Highway Patrol? Traffic accidents near (Noyes Rd and 227) and near (Tolosa Pl and 227) was collected but was not counted during the evaluation period. Why? **SBB-90**
- Noyes Rd and 227, which is a well traveled area by the public going to the CLL and the many garbage trucks. It is a very hazardous spot, which was brought up during 2007 scoping period. **SBB-91**
- This is a growing CLASS 1 Impact. **SBB-92**
- Bicyclist use 227 all the time. Just because it is stated that thee is not a designated bike lane do not mean it is not an impact to the bicyclist community. **SBB-93**
- This project will substantially in danger the public with increase hazards due to the current sharp curves and dangerous intersection...this section is not compatible with the growing trucks and farming equipment. **SBB-94**
- Give the data on the traffic impact and increase of the expanding process limits for the CO, RRR , MRF and biosolids. **SBB-95**
- Increase hours will increase to the congestion of the current commuters that use Noyes and 227 stop sign intersection. **SBB-96**

#### IV. Environmental Setting

##### TABLE IV-3 Consistency with Plans and Policies

##### Title 22: Land Use Ordinance (SLO Planning Area Standards)

The County Land Use Ordinance, known as Title 22 for inland portions of the County, includes regulations established and adopted to protect and promote public health, safety, and welfare.

In addition, ordinance regulations are in place to minimize adverse effects on the public. Resulting, from land use and development, as well as to protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the county general plan.

**22.108.020 (D). Production agricultural areas:** New development shall be designed to minimize the loss of existing and potential production agricultural areas by the placement of buildings and new parcels outside the most agriculturally capable areas.

SBB-97

**Proposed Action:** As discussed in the Agricultural Resources section, the project would result in the permanent loss of approximately 40 acres of potentially productive agricultural soils.

**Preliminary Determination:** Potentially Inconsistent.

**Clarification:** It is INCONSISTENT or CONSISTENT...how can it be stated "Potentially"? This project "is" creating the permanent loss of potential productive agricultural soils.

**Correction of Preliminary Determination:** INCONSISTENT

**22.108.030 (3d). Ridgetop Development:** Structures within the corridor boundaries shall not be located so they are silhouetted against the sky as viewed from scenic highway.

SBB-98

**The proposed action** in the current DEIR still stated that through out the life of the landfill their existence would significantly impact views of the sky...

**Preliminary Determination:** Potentially Inconsistent.

**Clarification: (Question 40 scoping May 2007) Will you continue to use the ridgetop for storage of trucks?** Cold Canyon Representative: they have been storing their old trucks and equipment structures up there because they did not know what else to do with them...they felt this was the best place for the trucks and large equipment to be stored. Storing structures on the ridgetop was convenient for the landfill's industrial operation with no concerns of the public's view of our scenic community.

**Correction of Preliminary Determination:** INCONSISTENT

**22.108.030 (2h). Landscaping:** A landscaping plan per the Land Use Ordinance is required that will insure at least 50% screening of the structure at plant maturity.

SBB-99

**Proposed Action:** Mitigation measures in the Aesthetic Resources section would require all structures visible from Highway 227 to be screened more than 50% at plant maturity.

**Preliminary Determination:** Consistent.

**Clarification:** This was the same mitigation measure for the last expansion? Past mitigation did not work. What about the increased potential damages to liners and leachate collection systems, which root systems of plants/trees can cause?

**Correction of Preliminary Determination:** INCONSISTENT

**AGP11: Agricultural Water Supplies:** Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development.

SBB-100

**Proposed Action:** The proposed project would require approximately nine afy of additional water at full capacity. This is not expected to significantly affect existing agricultural operations, however it would reduce the groundwater available for future intensification of area agricultural operations

**Preliminary Determination:** Potentially Inconsistent.

**Clarification:** If the landfill cannot account with actual documented data for past usage how do they have any basis for increasing the need for the proposed project which, significantly affects existing agricultural operations. How can the DEIR state (and the landfill) supplement ground water would be supplied by neighboring winery when the winery is experiencing it's own lack of water for their needs. Where is the historical data on Vineyard usage in the DEIR? Found no data to indicate accurate volume suggested in the DEIR. This area had been in a drought for years...The Central Coast is drying up like the rest of California.

**Correction of Preliminary Determination:** INCONSISTENT

**AGP17: Agricultural Buffer:** Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to nonagricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisors.

SBB-101

**Proposed Action** The County Agriculture Department recommends buffers between proposed development and productive agricultural lands. Implementation of the proposed project would increase non agricultural activities in proximity to agricultural operations to the east (vineyard) and west (equestrian center). Impacts associated with agricultural incompatibility are discussed in the Agricultural Resources section.

**Preliminary Determination** Potentially Inconsistent

**Correction of Preliminary Determination:** INCONSISTENT

**AGP18: Location of Improvements.** a. Locate new buildings, access roads, and structures so as to protect agricultural land.

SBB-102

**Proposed Action** Implementation of the proposed project would result in the permanent loss of approximately 75 acres of potentially productive farmland This is considered a significant unavoidable cumulative impact.

**Preliminary Determination** Potentially Inconsistent

**Correction of Preliminary Determination:** INCONSISTENT

**AGP24: Conversion of Agricultural Land.**a. Discourage the conversion of agricultural lands to nonagricultural uses through the following actions:1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe. 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations. 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the

SBB-103

<p>urban and village reserve lines. 4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.</p> <p><b>Proposed Action</b> See above. A discussion of alternative projects, which could avoid the conversion is discussed in the Alternatives Analysis, Section VI.</p> <p><b>Preliminary Determination</b> Potentially Inconsistent</p> <p><b>Correction of Preliminary Determination:</b> <u>INCONSISTENT</u></p>	<b>SBB-103 (cont'd)</b>
<p><b>AGP17: AGP18: AGP24:</b></p> <p>The Edna Valley agricultural lands are forever being converted to nonagricultural lands as the CCL continues there mission of taking property parcels out of the Williamson act, for the purpose of expanding garbage dumping business which is destroying our agricultural lands.</p> <p><b>Correction of Preliminary Determination:</b> <u>INCONSISTENT</u></p>	<b>SBB-104</b>
<b>K. Water Resource</b>	
Where is factual historical data on landfill water usage?	<b>SBB-105</b>
What are the meter readings for All the water wells used by the landfill?	<b>SBB-106</b>
Where is the historical data documented for the last 2, 5 and 10 years of water usage?	<b>SBB-107</b>
If there is no data documented for the last 2, 5 and 10 years of usage how can you determine the validity of landfill water volume accurately?	<b>SBB-108</b>
How can such an important factor/commodity for survival be determined to be accurate based on "Landfill staff discussions"? V.K. Water Resources Page V-241	<b>SBB-109</b>
Estimates are just that – estimates, this is not factual data supporting the DEIR Water Resource, there is such a HIGH impact on those that live here – the DEIR needs accurate data – not hear say estimates.	<b>SBB-110</b>
If the landfill cannot account with actual documented data for past usage how do they have any basis for increasing the need for the proposed project?	<b>SBB-111</b>
Where is the approved data to allow the use of leachate for dust control?	<b>SBB-112</b>
Where is the historical data on Vineyard usage in the DEIR? Found no data to indicate accurate volume suggested in the DEIR.	<b>SBB-113</b>
How can the DEIR state (and the landfill) supplement ground water would be supplied by neighboring winery when the winery is experiencing it's own lack of water for their needs. Where is the agreement between winery and landfill? When will this agreement become published for review?	<b>SBB-114</b>

If it is unclear of the volume of stormwater runoff for dust control or irrigation water for the compost operation –how can this be down graded to a level of insignificance (class II)?	SBB-115
This area had been in a drought for years...The Central Coast is drying up like the rest of California.	SBB-116
How can the Weir wells be deemed as to “meet potable water quality standards” when it has been stated there is NO water quality data from the Wier wells (Pg V-246)	SBB-117
Can the landfill prove that all the groundwater-monitoring systems are actually set and place in the proper location to capture the groundwater data accurately?	SBB-118
Where is the data supporting groundwater compliance in the DEIR?	SBB-119
What gives the landfill the right to all the water in groundwater basin?	SBB-120
What will be the additional environmental CLASS I impacts when the landfill cannot produce the amount of water to mitigate the current Class I and Class II environmental issues?	SBB-121
<b>Hazards and Hazardous Materials</b>	
<b>#3) SLO County Conditions Approval for the Materials Recovery Facility (D960246D)</b>	
Pg V-178 Condition #38, which is currently in effect, Prohibits the applicant from accepting any medical or hazardous materials...This condition would be voided by the proposed new Conditional Use Permit; however the applicant is not proposing to accept medical or hazardous waste.... <b>If CCL is not accepting any medical or hazardous materials then WHY is the current criteria/policy/condition being voided? If there are NO plans to accept medical or hazardous materials DO NOT reverse it!</b>	SBB-122
Illegal dumping is a common occurrence to neighboring residents, however the statement made on pg V-180 “based on comments received at public scoping for the EIR, there are times that waste is illegally dumped outside...because landfill was not open...illegal dumping maybe reduced due to...increasing operating hours at the landfill”. This is such an <u>untrue</u> statement.	SBB-123
<b>Question 22:</b> from Scoping meeting stated concerns of increased illegal dumping is sometimes related to increased garbage billing.	SBB-124
<b>Question 49:</b> Is the only comment made on operating hours. The landfill neighboring residents expressed our concern that late hours will <u>Create More</u> Traffic problems – not reduce dumping.	SBB-125
<b>Pg V-180</b> States compliance with title 27, 20870 requires operators of all MSWLF to implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes.... But EIR consultant states – “No tarped loads were inspected during their field visit. What CLASS of significant is it now for not being in compliance with Title 27?	SBB-126

Why is the County allowing the generations of the landfill neighboring communities to be held environmentally hostage by Cold Canyon Landfill's short notice to move to an alternate site, which was the direction proposed at the 1991 expansion.

SBB-127

Why does it seem that the County is supporting the current proposed expansion, which clearly has too many Environmental Class 1 Significant Impacts? Cold Canyon Landfill owners, County decision makers, County employees and the rest of SLO community members would not agree to live with the many ongoing negative environmental impacts, which significantly increase our risk of illness and permanent health problems from current and future Class 1 & 2 environmental exposures.

SBB-128

**The County Land Use Ordinance, known as Title 22 for inland portions of the County, includes regulations established and adopted to protect and promote public health, safety, and welfare.**

SBB-129

I hope and pray that the focus of the Planning Commissioners and County Board of Supervisors stand strong on their word and beliefs of the County Land Use Ordinance, known as Title 22. For the health, safety and welfare of our community and the entire Central Coast we must implement the most efficient form of trash-to-energy processing. The closed loop anaerobic technology could be the future key to resolving San Luis Obispo County's waste, landfill and significant impacted environmental and public issues.

SBB-130

Sincerely,

Sue and Bill Barone

**Response to Letter from Sue and Bill Barone,  
dated March 16, 2009**

Comment No.	Response
SBB-1	This comment asks why the proposed project would even be considered by the County when it has so many environmental impacts. The County has received a land use application for expansion of the Landfill. Completion of the EIR is one step that must be taken before that application can be approved or denied. Approval or denial of the project will be done by the County's decision making bodies. No changes to the FEIR are necessary.
SBB-2	Please refer to Section X.D., Quality of Life above. No changes to the FEIR are necessary. The environmental issues and associated impacts mentioned (i.e., water quality, water supply, and traffic congestion) are discussed in the EIR.
SBB-3	This comment states that the EIR evaluation of alternatives does not consider all future solutions or alternatives. The fundamental premise of an EIR alternatives analysis, per CEQA Guidelines, Section 15126.6, is that an EIR include a reasonable range of alternatives to the proposed project. As part of determining a reasonable range of alternatives, an EIR must also take into consideration whether they will feasibly attain most of the proposed project's basic objectives – but would avoid or substantially lessen any of the significant effects of the project. In the this case the project objectives consisted of 1) providing cost effective, long-term waste diversion capacity while helping local communities meet state-mandated waste diversion goals; 2) providing cost effective, long-term disposal capacity while maintaining consistency with the County-wide Siting Element, and optimizing fill space on the project property; and, 3) providing a well-engineered and environmentally sound operation that meets or exceeds federal, state, and local standards to minimize the impacts of waste diversion and disposal activities, and protects and enhances the site's sensitive biological resources. The EIR started with an initial screening of seven preliminary alternatives, and then taking into consideration the above factors, narrowed the analysis down to four alternatives (one of which examines five off site alternatives). Given the guidelines for preparation of an alternatives analysis, it appears that this section, per the CEQA Guidelines, provides a thorough and adequate discussion of future solutions or alternatives to the proposed project. No changes to the FEIR are necessary.
SBB-4-5	This comment outlines trash to energy as a possible future solution. Refer to response to comment SBB-3 above. No changes to the FEIR are necessary.
SBB-6-7	This comment further outlines the potential benefits of the trash to energy technology. The proposed alternative would have unknown impacts as it appears to be a relatively new technology. No references have been provided and permit requirements are also unknown as well as speculative. Refer to response to comment SBB-3 above. No changes to the FEIR are necessary.
SBB-8	As stated above, this permit requirements associated with this technology are unknown and speculative. In addition, the permitting requirements would be dependent on the lead agency, location of the proposed facility, and other factors specific to the site and region. Refer to response to comment SBB-3 above. No changes to the FEIR are necessary.
SBB-9	This comment requires no further response as it is an offer to share additional information about the trash-to-energy technology. No changes to the FEIR are necessary.
SBB-10	This comment asks how many current modules have liners. Modules 6 through 8 have liners. No changes to the FEIR are necessary.

Comment No.	Response
SBB-11-15	<p>These comments raise concerns with module liners, unexpected chemical combinations, groundwater monitoring, and long-term competency of module liners. Based on recently published data from the Geosynthetic Institute, HDPE liners used in landfill construction may last for anywhere from 73 to over 400 years depending on the specific chemical makeup of the liner, and the interior operating temperature of the landfill (Geosynthetic Institute, GRI White Paper #6, June 7, 2005). Other factors may also affect lifespan including the installation methods and composition of the landfill waste. It important to note that the Landfill includes a composite liner, which means that it includes a HDPE liner and a clay layer working in tandem.</p> <p>It is difficult to predict future chemical combinations that may enter the disposal area. However, it should be noted that diversion of wastes from disposal areas is becoming increasingly common subsequent to the development of household hazardous waste drop-off, the MRF, and the RRP. Other programs, such as car battery and tire disposal programs are also reducing the permanent waste stream.</p> <p>The Landfill has in place and proposes to expand a groundwater monitoring program to detect any leakage from the landfill, consistent with State and Federal regulations. There are a number of opportunities to identify waste entering the permanent disposal area, including during trash pick-up, as it enters the Landfill, and as it is being disposed of in the disposal area. In addition, the "colored bin" system and financial incentives for residents make it less likely that improper material would get disposed of in the Landfill.</p> <p>The EIR does not conclude that the landfill liners will remain competent in perpetuity. It does conclude that the liner system, including leachate control systems meet State and Federal regulations and that there is a comprehensive groundwater monitoring system in place to detect potential leaks from the facility into groundwater. The monitoring system was effective in identifying potential leaks in 2002 as is described in the 2007 RMC report, available at County Planning and RWQCB offices. No changes to the FEIR are necessary.</p>
SBB-16	<p>These comments deal with the closure and post-closure processes. The first comment asks how long the Cold Canyon Landfill operators will be responsible for the Landfill once it is closed. The Landfill is responsible until the IWMB releases them from their financial liability. This could be 30 years or more depending on the results of groundwater monitoring, leachate production, and the competence of the landfill cover, among other things. No changes to the FEIR are necessary. The second comment states that the Landfill is required by their WDR to submit a Closure and Post-closure Plan to the RWQCB. This requirement does not have a bearing on the evaluation of the proposed project conducted as part of this EIR. If the commenter feels that the Landfill is in error or not in compliance with their WDR, comments should be directed to the agency responsible for WDR issuance, the RWQCB. No changes to the FEIR are necessary.</p>
SBB-17	<p>This comment states that the module lining and caps should be listed as a Class I Impact (significant and unavoidable) because the linings and caps will degrade and hazardous constituents will migrate from the Landfill. The design, construction, maintenance, and closure of modules, liners and caps for the proposed expansion would occur within the framework of state and federal laws. Agencies such as CalRecycle and the RWQCB would review, approve, and oversee the implementation of liners and caps and as long as the Landfill complies with the laws enforced by these agencies, ground and surface water impacts associated with the potential scenarios outlined in this comment are considered to be insignificant. No changes to the FEIR are necessary.</p>

Comment No.	Response
SBB-18	This comments ask where the leachate testing results are located. The leachate analytical results are provided in the FEIR, Appendix G, Water Resources Report, Appendix G, Fugro 2008. No changes to the FEIR are necessary.
SBB-19	This comment asks where information is located regarding minimum and maximum chemicals allowed in groundwater. Refer to the 2007 RMC report. It notes the established parameters for evaluating potential groundwater impacts. No changes to the FEIR are necessary.
SBB-20	This comment asks why leachate testing is only on a quarterly basis. That testing frequency is monitored by RWQCB and considered adequate to monitor leachate production. No changes to the FEIR are necessary.
SBB-21	This comment questions leachate composition testing frequency. That testing frequency is considered adequate to monitor leachate capacity and is set forth by the RWQCB. No changes to the FEIR are necessary.
SBB-22-28	These comments ask very specific questions dealing with leachate testing, testing of wells, frequency of well and other testing, and testing protocols generally associated with Water Quality. These issues are the regulatory prevue of a number of federal, state, and local agencies overseeing safe drinking water and water quality laws and standards (e.g., the Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), the RWQCB, and the San Luis Obispo County Public Health Department, Division of Environmental Health (SLOCOPHD). The Water Resources section of the EIR relied on the information generated by the Landfill's compliance with the protocol for testing outlined by these agencies and the laws and standards they enforce. It was not in the scope of the EIR to question the protocol and reporting requirements associated with water quality, but to gather existing information and to report the findings. The EIR found, through use of information provided by these agencies that the Landfill has an extensive monitoring system and a substantial amount of water quality data going back 20 years or more. That data shows that the Landfill has not significantly impacted groundwater quality. There have been incidents identified during the standard monitoring protocol that required additional testing and remedial work. These incidents include a potential "release" in 2002 identified by the RWQCB. Subsequent groundwater testing and monitoring required by the RWQCB has not shown any signs of the release. The RWQCB requires that any release from the Landfill, as determined from periodic groundwater, leachate, and landfill gas monitoring be reported immediately and followed by implementation of a corrective action plan. Such plans typically include comprehensive investigations to assess the vertical and horizontal extent of the release. If any groundwater contamination is deemed significant, a groundwater remediation program would be required by the RWQCB. Compliance with existing regulations, including CalRecycle Title 27, Chapter 3 would require expansion of the groundwater monitoring program, and quarterly testing of monitoring wells. Construction of new modules would occur within the federal and state framework, providing construction standards intended to minimize seepage of contaminated leachate from the Landfill modules. The Landfill has a consistent record of compliance with these measures. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR. No changes to the FEIR are necessary.
SBB-29	This comment asks why 700,000 gallons annually of leachate is not considered hazardous and why when certain chemicals are contained in the leachate it is not then considered hazardous. The EPA, CalRecycle, and RWQCB make determinations such as these and in their reporting these factors have not lead to the "hazardous" determination. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR. No changes to the FEIR are necessary.

Comment No.	Response
SBB-30	The commenter is correct in that leachate is being used as dust control. No changes to the FEIR are necessary.
SBB-31	This comment asks if leachate, possibly contaminated with MTBE and other VOCs are being sprayed on roads and compost rows. MTBE and other VOC's have been detected in the leachate. However they have been found at levels low enough in the leachate that they are not considered hazardous and use of leachate has been allowed by the regulatory agencies (e.g., RWQCB, CalRecycle, etc.) to continue. If use of leachate as dust control posed a risk to employees the above referenced regulatory agencies would not allow it to be used. No changes to the FEIR are necessary.
SBB-32	Refer to SBB-31.
SBB-33	Refer to SBB-31.
SBB-34	The former compost operation has been eliminated and is no longer in operation and the proposed project does not include a compost operation component. Therefore, the Landfill is not selling compost nor does it propose to do so in the future. No changes to the FEIR are necessary.
SBB-35	This comment asks how the applicant plans to keep the leachate system operating properly in the long-term. Long-term maintenance of a leachate collection system is difficult because the system is buried underneath waste. However, it is important to note that leachate production should decline once waste is no longer accepted and the final cover is in place on the landfill. No changes to the FEIR are necessary.
SBB-36	This comment asks how long the Cold Canyon Landfill operators will be responsible for the Landfill once it is closed. The Landfill is responsible until the IWMB releases them from their financial liability. This could be 30 years or more depending on the results of groundwater monitoring, leachate production, and the competence of the landfill cover, among other things. No changes to the FEIR are necessary.
SBB-36a	This comment states that "Leachate" should be listed as an impact category and the failure of leachate collection systems should be listed as a Class I Impact. If, during preparation of the EIR, failure by the Landfill to comply with the leachate collection system regulations had been verified, this issue would have been identified as an impact (i.e., Class I, II, or III, depending upon nature of impact) and mitigation measures would have been recommended. However, this was not the case and no changes to the FEIR are necessary.
SBB-37	This comment states that important issues noted during the May 2007 scoping meeting were missed in the DEIR. The Areas of Controversy section (i.e., Section II.E.) summarized the most commonly identified areas of concern mentioned by those in attendance and is not meant to be an all-encompassing list of issues raised. However, the County did scope the EIR to include all environmental issues warranting further evaluation. No changes to the FEIR are necessary.
SBB-38	If environmental issues were raised during the scoping process that the County determined warranted further evaluation, these were included in the DEIR (refer to Section V., Environmental Impacts and Mitigation Measures). This process also included review of letters from responsible and trustee agencies (e.g., the SLOAPCD) provided as part of responses to the Notice of Preparation. No changes to the FEIR are necessary.
SBB-39-49	These comments address concerns and questions relating to groundwater depletion and

Comment No.	Response
	<p>groundwater contamination. Subsequent to public review of the 2009 DEIR (from which these comments derive), the County wholly revised and recirculated the Water Resources section as part of the 2011 RDEIR. Comments were then prepared on the revised 2011 Water Resources section and the County therefore had two sets of Water Resources section comments. In this scenario of there being two sets of comments for two different Water Resources sections, CEQA Guidelines outline options for the County as Lead Agency on how to handle the dual set of comments. The County, in the case of this project, elected to provide notice in the 2011 RDEIR that CEQA Guidelines Section 15088.5(f)(2) would be applicable. This section reads as follows:</p> <p><i>When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.</i></p> <p>Given the guidance provided by CEQA when a lead agency is faced with this scenario, responses to the referenced 2009 Water Resources comments have not been prepared as responses to the 2011 Water Resources section comments are now most applicable. Refer to Section XI of this FEIR.</p>
SBB-50	<p>This comment asks how proposed mitigation measures will work any better than previously proposed mitigation measures relating to noise, odor, and trash. The EIR has recommended numerous mitigation measures and a more significant monitoring system for the measures. The key to this more significant monitoring system requires the applicant to fund the retention of a County qualified individual to track mitigation measures and County conditions of approval and to adhere to the Mitigation Monitoring Program in Section VIII of the FEIR. No changes to the FEIR are necessary.</p>
SBB-51-55	<p>These comments address concerns and questions relating to noise issues. Please refer to response to comments SBB 39-49 (a response to how the County is handling dual sets of comments resulting from an EIR section having been recirculated) as this is also the case for the Noise section. Also, please refer to the revised and recirculated Section V.I., Noise, of the Final EIR.</p>
SBB-56-64a	<p>These comments ask why bio-solids are proposed to be disposed of at the landfill, where they are coming from now and in the future, how they are being disposed of, how pollutants associated with bio-solids being handled, and how neighbor and employee health is being protected. The Landfill does not currently accept bio-solids. The applicant is no longer proposing to accept bio-solids as compost feedstock. The Landfill currently has permits (RWQCB Waste Discharge Permit and Solid Waste Facilities Permit) to accept wastewater treatment plant bio-solids; however, the Landfill states that because they do not accept bio-solids because they do not have the proper sub-surface liners in place. The Landfill does not accept sludge. Sludge is not the same as bio-solids and consists of the untreated material taken from septic tanks. No changes to the FEIR are necessary.</p>
SBB-65	<p>This comment asks if the service area for the Landfill will grow if the proposed expansion is approved by the County. The expansion is proposed to accommodate predicted growth within the existing service area and increased demand for waste disposal. No changes to the FEIR are</p>

Comment No.	Response
	necessary.
SBB-66	This comment states that the map showing the service area for the Landfill is vague and asks what areas the Landfill services currently. The approximate service area is shown on Figure III-4, of Section III, Project Description. The Landfill service area generally includes the north coast and southern San Luis Obispo County communities including San Simeon, Cambria, Cayucos, the City of Morro Bay, Los Osos, the City of San Luis Obispo, the City of Pismo Beach, the City of Arroyo Grande, the City of Grover Beach, Oceano, and Nipomo, similar to the Coastal Region identified in the Siting Study. Some waste from northern Santa Barbara County is also accepted at the Landfill. There is technically no permitted service area for the Landfill. There are other landfills in northern San Luis Obispo County and Santa Barbara County that service developments north and south of Cold Canyon Landfill. No changes to the FEIR are necessary.
SBB-67	This comment asks why the Landfill is accepting waste from Santa Barbara County and why this isn't going to the Santa Maria Landfill. As is stated above, waste from Santa Barbara County is ending up at Cold Canyon Landfill. It is also possible that waste from southern San Luis Obispo County is ending up at the Santa Maria Landfill. Currently, with the inability for composting to occur at the Landfill, a percentage of green waste previously processed at the Landfill, is being hauled to Engel and Gray, Inc. (a private composting operation) in the City of Santa Maria. There are times when not all waste within a designated disposal area can be disposed of at the nearest landfill. No changes to the FEIR are necessary.
SBB-68	This comment states that waste disposed of at the Landfill must be limited to that from San Luis Obispo County. This is a decision or limitation that would be made by the decision making entities in San Luis Obispo County involved with setting rates and other operational aspects of the Landfill. Limiting waste to only that from San Luis Obispo would not affect the impacts identified in the EIR. No changes to the FEIR are necessary.
SBB-69	This comment asks for the closure dates of several landfills in the region. It should be noted that "closure dates" are relative to the capacity of the landfill. The dates provided are from the CIWMB Solid Waste Information System and should be considered approximate: Cold Canyon (2012); Paso Robles (2051); Chicago Grade (2042); Johnson (2040); Taft (2123); Tajiguas (2022). No changes to the FEIR are necessary.
SBB-70	This comment asks if the proposed expansion will result in 35 years of additional life to the Landfill. The applicant has estimated that the additional capacity would allow for an additional 25 years of permanent disposal. No changes to the FEIR are necessary.
SBB-71	This comment asks when the proposed expansion parcels Williamson Act contract expired. The expiration date was 1/1/2007. No changes to the FEIR are necessary.
SBB-72	This comment asks when the Williamson Act contract for the parcel south of the proposed expansion parcel expired. What is relevant to the EIR is that the Williamson Act contract for the parcel to the south has expired and this is documented in the EIR. With respect to the Landfill's timing for use of the expansion parcel, the Landfill has stated that as currently envisioned the proposed new entrance/scalehouse area and RRP would be constructed first. Once the RRP and new entrance are completed and the remaining disposal capacity exhausted, Module 10 (located at the existing entrance area) would be excavated and subsequently filled. Construction of the MRF is expected to commence as needed (no timeframe set), which may be in approximately ten years, according to estimates provided by the applicant. No changes to the FEIR are necessary.

Comment No.	Response
SBB-73	This comment states that parcels to the north and east of the Landfill are under Williamson Act contract and asks when they are set to expire. Those parcels are not currently "set to expire". No changes to the FEIR are necessary.
SBB-74	This comment asks how impacts to Williamson Act lands can be considered insignificant when the parcels are being outlined for the Landfill expansion. The expansion area was in non-renewal of the Williamson Act contract in 1998, prior to the preparation of the EIR. No changes to the FEIR are necessary.
SBB-75	This comment asks how proposed mitigation measures will work any better than previously proposed mitigation measures relating to noise, odor, and trash. The EIR has recommended numerous mitigation measures and a more significant monitoring system for the measures. The key to this more significant monitoring system requires the applicant to fund the retention of a County qualified individual to track mitigation measures and County conditions of approval. No changes to the FEIR are necessary.
SBB-76-80	These comments state that compost odor is getting worse, odor complaints take 2-3 days to be responded to, there is no mention of mitigation measures for odors, and odors will increase as bio-solids disposal increases. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR for information on these topics. In response to these comments, the compost operation (as stated in previous responses) has been eliminated from existing operations and has been eliminated from future consideration. Section V.H., Hazards and Hazardous Materials recommends mitigation for odors that would result from the expanded landfill capacity (refer to HAZ/mm-10). As mentioned above, bio-solids are no longer proposed to be disposed of at the Landfill for use as compost operation feedstock. No changes to the FEIR are necessary.
SBB-81-88	These comments address concerns and questions relating to disease vector issues. Please refer to response to comments SBB 39-49 (a response to how the County is handling dual sets of comments resulting from an EIR section having been recirculated) as this is also the case for the Hazards and Hazardous Materials section. Also, please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR.
SBB-89	This comment states that traffic is a huge issue on State Route 227 and connecting roads such as Noyes Road. Traffic volume increases along roadway segments, key intersections, and traffic safety concerns have been evaluated in the EIR. Impacts relating to traffic volumes are considered insignificant because County and Caltrans thresholds for LOS are not reduced. The area of impact for traffic requiring mitigation is that for the proposed improvements to State Route 227 at the proposed facility entrance. If not implemented properly these improvements could result in reduced levels of service at the new entrance as well as create unsafe conditions. No changes to the FEIR are necessary.
SBB-90	This comment asks why traffic data relating to accidents omitted from the EIR. Accident data is in the Traffic Report, Appendix F of the EIR. No changes to the FEIR are necessary.
SBB-91	This comment states that State Route 227 and Noyes Road is a very hazardous location which was noted during the EIR scoping period. Traffic has been evaluated in the EIR and potential impacts would be less than significant. The Landfill entrance was specifically evaluated as were the many roadways in the area used by Landfill garbage trucks and customers for safety issues. Review of accident data in Appendix F shows that Noyes Road was one of the many roads considered as part of the traffic safety evaluation conducted. No changes to the FEIR are necessary.

Comment No.	Response
SBB-92	This comment states that this is a growing Class I Impact. The EIR was required to use thresholds of significance for safety and levels of service set forth by County Public Works and Caltrans. Taking these thresholds into consideration, the proposed project would result in traffic safety impacts that are less than significant, based on Traffic Report provided in Appendix F, and input from the County Public Works Department and Caltrans. No changes to the FEIR are necessary.
SBB-93	This comment raises the issue of bicycle safety on State Route 227 and the impacts that the proposed project may have on the cycling community. No reported accidents near the Landfill have involved a bicycle. No changes to the FEIR are necessary.
SBB-94	Refer to SBB-92.
SBB-95	This comment requests the traffic data for the CO, RRP, MRF, and bio-solids. The data associated with the increased traffic due to the proposed project is provided in Section V.G., Transportation and Circulation and Appendix F. The traffic analysis took into consideration the elements of the project outlined in the comment; however, at this time the compost operation and acceptance of bio-solids as compost feedstock have been removed from consideration as part of the proposed expansion project. No changes to the FEIR are necessary.
SBB-96	Refer to SBB-92.
SBB-97-104	This comment requests that the determination in the EIR of the project being "potentially inconsistent" with these policies be revised to state "inconsistent". The term "potentially inconsistent" is used so as to allow deference to the County decision makers (i.e., the Board of Supervisors) who it is ultimately left to make final determinations as to whether or not a project is inconsistent with applicable regulations. The EIR preparer or County staff does not make final policy determinations relating to a project's inconsistency. It should be noted, other than the term "potential", the EIR determination and the comments made are consistent. No changes to the FEIR are necessary.
SBB-105-121	These comments address concerns and questions relating to water supply issues. Please refer to response to comments SBB 39-49 (a response to how the County is handling dual sets of comments resulting from an EIR section having been recirculated) as this is also the case for the Water Resources section. Also, please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR.
SBB-122-129	These comments address concerns and questions relating to Hazardous and Hazardous Materials issues. Please refer to response to comments SBB 39-49 (a response to how the County is handling dual sets of comments resulting from an EIR section having been recirculated) as this is also the case for the Water Resources section. Also, please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR.
SBB-130	This comment states hope that the County Planning Commission and Board of Supervisors stand strong on their word and beliefs of the County Land Use Ordinance, Title 22, and implement the most efficient form of trash-to-energy project. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project above. No changes to the FEIR are necessary.

SAN LUIS OBISPO  
PLANNING/BUILDING  
DEPT  
2010.10.21.11

John Mckenzie,  
Project Manager  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, Ca 93408

Dear Mr. Mckenzie,

Thank you for talking with me about the proposed expansion of the Cold Canyon Landfill. As we discussed, I am very concerned about this project and the impact it will have on the quality of life here in the Edna Valley. My concerns are four fold.

1. I live approximately a mile from the current landfill and the odor that comes from the dump at certain times is overpowering. We are unable to open the windows in our home and going outside is unpleasant. I would like to understand what the plans are to mitigate this problem with the current expansion plans. Additionally, I understand that the composting operation will be increased. The impact of this plan will add further to the odor of the landfill. I believe the composting operation should be moved. DP-1

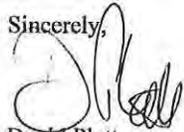
2. I am concerned about the light pollution caused by the current landfill and know that expansion will worsen this problem. The lights that are constantly on during the night give an industrial feel and greatly diminish what is otherwise a beautiful rural area. DP-2

3. The noise from the grinding machines, recycling facility, tractors, and avian deterrence program is currently at an unacceptable level. The proposed expansion plans will unavoidably increase this. Although the hours of operation are supposedly limited, the noise from these sources can often be heard during the middle of the night. This is extremely unpleasant and will be unavoidably increased by the expansion. DP-3

4. The aesthetics of the proposed expansion are of great concern. The current landfill is suitably surrounded by natural topography and vegetation. The scale of the proposed expansion will make this impossible to maintain. The views in Edna Valley are unique and will be negatively impacted forever if the expansion is permitted. The proposed expansion will have a negative impact on property values, as well as negatively impact tourism in the local area. DP-4

In short I believe the landfill should be closed as originally agreed. DP-5

Sincerely,



David Platt  
1990 Corbett Canyon Road

**Response to Letter from David Platt,  
received March 16, 2009**

Comment No.	Response
DP-1	This comment states that odors experienced from the Landfill are overwhelming and that the proposed capacity increase for the compost operation would result in a worsening of odor impacts. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that odor impacts previously identified, which took into consideration the compost operation, would be reduced without it being a component of the project. However, the Landfill, without the compost operation, would still result in odor impacts and these have been identified as significant. With implementation of mitigation measures, they would still be considered unavoidable. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.
DP-2	This comment raises concern over nighttime lighting impacts resulting from the Landfill. Section V.A.6, Aesthetic Resources, of the EIR includes mitigation that allows only the minimum lighting necessary for security purposes. This mitigation measure includes preparation of a lighting plan, lighting must be shielded and directed downward, minimizing light standard heights, etc. Please refer to mitigation measure AES/mm-12. No changes to the FEIR are necessary.
DP-3	This comment expresses concern over noise impacts that result from grinding machines, the recycling facility, tractors, and avian deterrence measures. The EIR evaluates these and other noise generating sources at the Landfill, in conjunction with nearby sensitive receptors such as surrounding residences, and concludes that noise from the proposed project may exceed County thresholds. Section V.I., Noise, of the FEIR provides an analysis of these impacts as well as a number of mitigation measures recommended with the objective of lessening noise impacts to the greatest degree feasible. It should be noted that the Noise section has been revised and recirculated subsequent to circulation of the DEIR and preparation of this comment (refer to 2011 RDEIR).
DP-4	This comment states that the aesthetics of the proposed project are of great concern and that there will be negative impacts on property values and tourism as a result of aesthetic impacts. The EIR identifies significant and unavoidable aesthetic resources impacts associated with the proposed project being highly noticeable, appearing unnatural, and contrasting with existing natural settings of the area. Implementation of mitigation would not result in a reduction of these impacts to a level of insignificance. With respect to property value and tourism impacts, please refer to Section X.D. and X.E., Quality of Life and Property Values above. No changes to the FEIR are necessary.
DP-5	This comment states that the Landfill should be closed as originally agreed. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project above. No changes to the FEIR are necessary.

JOSEPH W. DIEHL, JR.  
RODERICK A. RODEWALD  
LINDA B. WARD  
DOUGLAS C. CRAPO

OF COUNSEL  
ANNE M. RUSSELL



ATTORNEYS AT LAW  
1043 PACIFIC STREET  
SAN LUIS OBISPO, CA 93401

TELEPHONE  
(805) 541-1000  
FACSIMILE  
(805) 541-6870  
E-MAIL  
[amr@dl-slo.com](mailto:amr@dl-slo.com)

March 16, 2009

HAND DELIVERED and  
VIA E-MAIL  
[jdmckenzie@co-slo.ca.us](mailto:jdmckenzie@co-slo.ca.us)

Mr. John McKenzie  
Project Manager  
County of San Luis Obispo  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

Re: Cold Canyon Landfill Expansion Conditional Use Permit – Comments  
on Draft EIR  
Our File No. 1742

Dear Mr. McKenzie:

This firm represents Mr. Earl Darway, the owner of property immediately adjacent to and southeast of the proposed expansion area. More detailed comments are attached as Exhibit "A" in bullet form. This letter summarizes our concerns.

1. Interim Alternative. The fact that so many significant, adverse and unavoidable environmental impacts remain in the areas of aesthetics, agricultural resources, air quality, climate change/greenhouse gas emissions, hazards and hazardous materials, noise, and water resources support the phasing out of this site as a landfill. The draft EIR should look at the alternative of an interim extension of the existing use permit for a 3 to 5-year period to gradually phase out this landfill while an additional site is identified, environmental studies completed, and permits obtained. During this period, this alternative would maintain all facilities in their existing location, with the exception of the creation of possibly one new module necessary to handle any interim waste. Compost operations should be relocated off site.

2. Additional Mitigation. If the project goes forward as proposed, or even if modified, additional mitigation measures must be developed to mitigate these impacts to less than significant. These should include, but are not limited to:

D&R-1

March 16, 2009  
Page 2

- |  |       |
|--|-------|
| <p>a. <u>Noise, Traffic Safety, Fugitive Trash, Odors.</u></p> <ul style="list-style-type: none"> <li>• Do not relocate the entrance to the landfill or the Resource Recovery Park.</li> <li>• Do not extend the hours of operation of the Materials Recovery Park or the landfill.</li> </ul>   | D&R-2 |
| <p>b. <u>Odors From Composting Operations.</u></p> <ul style="list-style-type: none"> <li>• Require compost operations to be relocated off-site if odors cannot be eliminated or reduced below the neighbors' annoyance threshold in a year.</li> <li>• Require covering, chemical sprays or other means to control odors.</li> <li>• Prohibit the acceptance of additional waste materials (bio-solids, sludge and food waste) until such time as odors are eliminated.</li> <li>• Require loads that produce objectionable odors to be buried within one hour of receipt.</li> <li>• Require the implementation of the ASP system as a condition of renewal, regardless of new tonnage.</li> </ul>   | D&R-3 |
| <p>c. <u>Noise.</u></p> <ul style="list-style-type: none"> <li>• Require the grinding operation to be conducted only in an enclosed, soundproof building. Limit the hours of grinder's operation.</li> <li>• Keep current landfill, RRP, and MRF hours of operation. Do not allow expansion of MRF hours of operation.</li> <li>• Do not allow relocation of RRP, except to a site in the center of the landfill.</li> <li>• Require construction of an engineered sound wall along the southern property line to reduce noise levels below County standards.</li> <li>• Require RRP and MRF operations to be located off site if the County's noise standards cannot be met within a year.</li> </ul> | D&R-4 |
| <p>d. <u>Fugitive Trash.</u></p> <ul style="list-style-type: none"> <li>• Require daily pickup of trash from neighboring fence lines and roadways, as well as along Highway 227 frontage.</li> <li>• Require pickup of fugitive trash on neighboring property at least weekly upon request.</li> <li>• Increase the height of litter control fences along the downwind perimeter to a minimum of 10 feet tall, but require that they be set back at least 50 feet from the property line and screened.</li> </ul>  | D&R-5 |

March 16, 2009

Page 3

<p>e. <u>Birds.</u></p> <ul style="list-style-type: none"> <li>• Require falcon control full time.</li> </ul>	D&R-6
<p>f. <u>Dust.</u></p> <ul style="list-style-type: none"> <li>• Require all roads on site to be paved.</li> <li>• Require more use of the water truck to eliminate visible dust.</li> </ul>	D&R-7
<p>g. <u>Water.</u></p> <ul style="list-style-type: none"> <li>• Require applicant to install meters on all wells prior to approval of the EIR, so the current water demands of the project and well capacity can be determined.</li> <li>• Require alternative sources of water (besides ground water) to meet water demands of the expanded project.</li> <li>• Require applicant to compensate neighbors for wells that run dry due to ground water overdraft, including but not limited to drilling of additional wells and providing alternative sources of water with the applicant paying for any increased costs.</li> </ul>	D&R-8
<p>h. <u>Aesthetics.</u></p> <ul style="list-style-type: none"> <li>• Prohibit compost piles and stored materials on ridge lines.</li> </ul>	D&R-9
<p>If the mitigation measures do not result in elimination of significant, adverse, unavoidable impacts to neighboring properties, require the applicant to purchase all properties that remain impacted and have them permanently designated as a buffer zone so no new neighbors will need to suffer.</p>	D&R-10
<p>Finally, of the alternatives examined in the draft EIR, the redesigned project (on-site relocation of disposal area and entrance alternative) appears to be the superior alternative, except for the relocation of the resource recovery facility to the southeastern corner. The RRP should remain at its current location or be relocated closer to the center of the landfill along with the MRF or both relocated off site. Keep the hours of operation at the landfill the same. Require the applicant to construct a larger building to handle additional employees rather than running a second shift until 10 p.m. for the MRF</p>	D&R-11
<p>Additionally, this landfill should not, under any circumstances, be accepting waste materials generated outside its service area or the county, nor should it accept any additional waste materials for composting until existing and future odors are eliminated. Continue to</p>	D&R-12

March 16, 2009  
Page 4

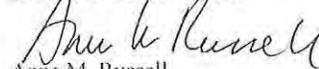
prohibit acceptance of medical waste and hazardous materials (other than e-waste and u-waste for processing only) at the MRF.

**D&R-12  
(cont'd)**

Thank you for your attention to this letter. Please contact me if you have any questions.

Very truly yours,

DIEHL & RODEWALD



Anne M. Russell

AMR:mw  
Enclosure  
cc: Mr. Earl Darway (w/enc.)

March 16, 2009  
Page 5

COMMENTS ON DRAFT EIR – COLD CANYON LANDFILL EXPANSION - 2009

- |   |        |
|---|--------|
| A. <u>Aesthetic Resources.</u>  |        |
| • AES Impact 5 relating to stockpile blocking view of MRF. NS/mm-4 requires relocation of that proposed stockpile.  | D&R-13 |
| • AES Impact 6 – see comment to AES #5.   | D&R-14 |
| • The impact on views from Highway 227 is not addressed.  | D&R-15 |
| • AES Impact 8. Stagger removal of mature trees to minimize aesthetic impacts.  | D&R-16 |
| • Provide additional support for determination that impacts would be mitigated to Class II.   | D&R-17 |
| • AES Impact 9. Prohibit operations after 5 p.m.. This would eliminate any impact from night lighting.  | D&R-18 |
| B. <u>Agricultural Resources.</u>   |        |
| • Conversion of agricultural soils to landfill. Is inconsistent with General Plan and Land Use Ordinance (p. IV-7 to 9)   | D&R-19 |
| • AG Impact 1. The ground water basin is nearing its sustainable yield (approximately 49 afy remain in the basin). The additional 9-acre feet is needed primarily for expanded compost windrows. The compost operation should be removed from this ground water basin OR an additional source of water identified. Is the landfill's use of well water considered a beneficial use by the State Water Resources Control Board? Is the landfill truly an overlayer, or does it require an appropriative rights permit? | D&R-20 |
| • Increasing the size and hours of operation of the landfill is incompatible with agricultural operations. The elimination of expanded hours of operation would eliminate many of these potential impacts. Please note that increased dust is a significant issue for vineyards, and can lead to dust mite infestation, requiring more chemicals to control.  | D&R-21 |
| • Significant unavoidable adverse impacts (Class I) remain from conversion of potentially productive soils, lost of ground water resources, and agricultural incompatibilities.   | D&R-22 |

EXHIBIT "A"

March 16, 2009

Page 6

C. Air Quality.

- AQ Impact 1. Require all mass grading to be performed by 1996 or newer, heavy duty off-road vehicles, not just 75%. Require the use of NO<sub>x</sub> reducing agents diesel fuel. Require installation of catalytic reduction units on heavy equipment. | D&R-23
- AQ Impact 1. Require all permanent and temporary roads to be paved. Increase water truck use so no visible dust. Require vehicle speed not to exceed 15 mph, in addition to sign posting. | D&R-24
- AQ Impact 4. Require a covered, aerated, static pile composting system immediately including the use of aeration system that allows the use of bio-filters to control odors. Require spraying, deodorizing, or chemical treatment to eliminate odors. If odors are not eliminated within a year, require relocation of compost operations off site. | D&R-25
- Demolition of existing buildings and pipes does not address potential lead. | D&R-26
- Prohibit acceptance of additional waste materials until odor problem is eliminated and continues to be eliminated. Require immediate cover or treatment of waste materials creating odors within 1 hour maximum, not 4 hours. | D&R-27
- Odors remain significant and unavoidable (Class I). | D&R-28

D. Biological Resources.

- BR Impact 1. (Loss of approximately 30 mature coast live oaks.) Require replanting as well as provision of conservation easement. Do not allow payment of money for each tree, since it is insufficient to buy the amount of land eliminated and needed to support the replacement oaks. | D&R-29
- BR Impact 5. Require replacement of habitat for 14 special status animals. | D&R-30
- BR Impact 6. Additional study should be performed to determine why the Obispo Indian Paintbrush is thriving at its current location and ensure that the new off-site location provides the same benefits. Specify the size of the new location. Require a significant bond to ensure implementation of mitigation measures. | D&R-31

E. Climate Change/Greenhouse Gas Emissions.

- GHG Impact 1. Requiring the landfill to meet its 2007 level for the life of the project does not seem to be moving in the direction of reducing 2020 GHG emissions to those of 1990. See p. V-125. Require reduction of 2007 level emissions by a certain percentage each year | D&R-32

March 16, 2009

Page 7

to meet 1990 levels by 2020. This should be met prior to authorization to proceed with a new module.	<b>D&amp;R-32 (cont'd)</b>
<ul style="list-style-type: none"> <li>• Prohibit acceptance of additional waste material (bio-solids, food scraps, etc.) or increased tonnage until the GHG emissions reduction has been met.</li> </ul>	<b>D&amp;R-33</b>
<ul style="list-style-type: none"> <li>• The assumption that over time new programs will be in place and GHG mitigation feasible, and therefore the long term GHG emissions are reduced to less than significant, is unsupported (p. V-130) and insufficient.</li> </ul>	<b>D&amp;R-34</b>
<b>F. <u>Geology and Soils.</u></b>	
<ul style="list-style-type: none"> <li>• Require soil report to test soil at expansion area for asbestos.</li> </ul>	<b>D&amp;R-35</b>
<ul style="list-style-type: none"> <li>• Require compliance with asbestos abatement or mitigation plan.</li> </ul>	<b>D&amp;R-36</b>
<b>G. <u>Hazards and Hazardous Materials.</u></b>	
<ul style="list-style-type: none"> <li>• If OSHA does not already require, require adoption of an emergency plan to deal with construction or on-site accidental releases.</li> </ul>	<b>D&amp;R-37</b>
<ul style="list-style-type: none"> <li>• Illegal disposal of hazardous waste. Require entrance employees to advise drivers with tarped loads of the need to dispose of household hazardous waste, e-waste and u-waste separately from common trash and location. Require random checking of tarped loads of every "x" number of vehicles or trucks. Require consumer education program several times a year by mail. Require holding e-waste and u-waste collection days at sites throughout the cities and communities of the county a couple times a year.</li> </ul>	<b>D&amp;R-38</b>
<ul style="list-style-type: none"> <li>• HAZ Impact 1. Require perimeter litter control fences to be a minimum of 10 feet tall, set back 50 feet, and screened. Require daily pick up of trash along landfill frontage and neighboring fences for 1 mile in either direction (not as voluntary Adopt-A-Highway program). Require landfill to respond at least weekly to calls to pick up fugitive trash on private property.</li> </ul>	<b>D&amp;R-39</b>
<ul style="list-style-type: none"> <li>• HAZ Impact 2. Require update of the litter control program as frequently as necessary if complaints received.</li> </ul>	<b>D&amp;R-40</b>
<ul style="list-style-type: none"> <li>• HAZ Impact 3. Relocate compost operations off site in an area where no pine trees may be impacted.</li> </ul>	<b>D&amp;R-41</b>
<ul style="list-style-type: none"> <li>• HAZ Impact 4. Mandate full time falcon program. Prohibit noise-making control measures. Require maintenance of a 6-inch daily cover.</li> </ul>	<b>D&amp;R-42</b>

March 16, 2009

Page 8

- HAZ Impact 5. Do not allow acceptance of additional waste (bio-solids, sludge and food scraps) without alternative source of water to reduce risk of fire. | D&R-43
  - Miscellaneous. Require tarping/cover program to continue. Require minimization of size of active working space (and specify the maximum size at any one time). Require acceptance of plastic bags in recycling program to minimize plastic bag disposal in common trash. | D&R-44
  - Prohibit acceptance of medical or hazardous materials at MRF. (See p. V-178, which states the prohibition in current CUP is voided by the new CUP). If applicant does not intend to accept, clearly prohibit for neighbors' health and safety. | D&R-45
  - Require collection and temporary storage of household hazardous waste to be located at center of landfill, to minimize potential danger and impacts to neighbors. | D&R-46
- H. Noise.
- Require noise reduction plan as suggested at p. V-200. | D&R-47
  - Instead of moving noise-producing activities closer to SR 3 through 6 (see p. V-201, 202), move them to the center of the landfill or remain where currently located. | D&R-48
  - Require construction of an engineered sound wall to reduce the noise to less than significance. Use an earthen berm on one side to minimize the aesthetic impacts. In addition to Mitigation Measure NS/mm-3, require that the process shall be continued until County threshold standards are met. If they cannot be met after repeated tries, the use permit shall be phased out early. | D&R-49
  - Require existing grinder to be housed in a soundproof building. | D&R-50
  - NS Impact 2. Require that the earthen berm be constructed around the "top deck" of the landfill. Require also that it be constructed and maintained in such a manner to reduce noise to at or below the County standards, or, if cannot do so, move composting operations off site. | D&R-51
  - NS Impact 3. Prohibit relocation of the RRP to the southeastern corner. Permit its relocation, if necessary, to the center of the landfill. | D&R-52
  - Require an engineered sound wall. Require facility to be entirely enclosed, with a limited number of doors to minimize noise. | D&R-53

March 16, 2009  
Page 9

- |   |        |
|---|--------|
| <ul style="list-style-type: none"> <li>• Expansion of MRF. Do not extend or increase hours of operation. Require engineered sound wall in addition to berm.</li> </ul>  | D&R-54 |
| <ul style="list-style-type: none"> <li>• NS Impact 4. Do not relocate entrance adjacent to southern property line. If it must be relocated, keep it closer to the center of the landfill rather than the southern boundary.</li> </ul>  | D&R-55 |
| <ul style="list-style-type: none"> <li>• Cumulative impacts. Verify that the one-paragraph process for determining what the combined decibel level is, is accurate and generally accepted by qualified noise professionals.</li> </ul>  | D&R-56 |
| <ul style="list-style-type: none"> <li>• NS Impact 6. With regard to NS/mm-7, require the applicant to begin implementing the recommendations within 60 days of County approval of assessment, and to complete them within the time specified by the County. Require this process to be repeated until County noise standards are met. Prohibit relocation of RRP because County standards cannot be met at the proposed location.</li> </ul>   | D&R-57 |
| <p>I. <u>Transportation and Circulation.</u></p>  |        |
| <ul style="list-style-type: none"> <li>• Do not relocate the entrance to the southern boundary line. Visibility is worse at the proposed entrance than at the existing entrance (860 feet versus 1500 feet traveling southbound; “relatively obstructed for at least 2000 feet” versus visible from about 1000 feet traveling northbound). Eliminates potential impacts on Patchett Road by not relocating. (Note: Paragraph describing visibility on p. V-224 is not entirely clear.)</li> </ul> | D&R-58 |
| <p>J. <u>Water Resources.</u></p>   |        |
| <ul style="list-style-type: none"> <li>• Estimates of current and future landfill water demands based on interview with facility manager (p. V-229) should be confirmed by requiring meters to be installed NOW and records kept and reviewed by the County. Should also be confirmed with interviews with other landfill operators, including some that are municipally owned and operated.</li> </ul>   | D&R-59 |
| <ul style="list-style-type: none"> <li>• Analysis of ground water recharge does not address the impact of protracted below-average rainfall years.</li> </ul>   | D&R-60 |
| <ul style="list-style-type: none"> <li>• The fact that the ground water basin is “relatively isolated from its surroundings hydrologically” (p. V-232) demonstrates that the impact on neighbors who share this ground water basin will be significant, especially if the sustainable yield is only an additional 49-acre feet a year, and the actual current and future estimates of water use have not yet been confirmed.</li> </ul>   | D&R-61 |
| <ul style="list-style-type: none"> <li>• On p. V-232, Fugro determined that the Thies analysis was appropriate only for small-scale draw downs. However, on p. V-244, the Thies analysis was performed.</li> </ul>  | D&R-62 |

March 16, 2009  
Page 10

- |   |                          |
|---|--------------------------|
| <ul style="list-style-type: none"> <li>• Pumping has resulted in localized depression of ground water levels in the area around the Weir wells (p. V-244).</li> </ul>   | <p><b>D&amp;R-63</b></p> |
| <ul style="list-style-type: none"> <li>• WR Impact 1. Meters should be required now to verify existing supply and demand. Once supply and demand have been verified, it may be necessary to require more than a 16-gallon per minute well (Weir Well #3).</li> </ul>  | <p><b>D&amp;R-64</b></p> |
| <ul style="list-style-type: none"> <li>• Require applicant to determine impacts of current water usage on neighboring wells. Require applicant to provide additional water sources for neighbors impacted, including drilling of new wells, or provision of alternative water source acceptable to neighbors. Require applicant to pay any ongoing difference in cost for alternative water supplier. Require applicant to purchase neighboring properties if adequate water supplies cannot be maintained during landfill operations.</li> </ul> | <p><b>D&amp;R-65</b></p> |
| <ul style="list-style-type: none"> <li>• P. V-249 assumes that the composting operation will continue after the landfill is closed. Continuing the composting operation is not discussed in any of the other impacts discussed and should be addressed.</li> </ul>  | <p><b>D&amp;R-66</b></p> |
| <ul style="list-style-type: none"> <li>• WR Impact 3. (Cumulative ground water demand leading to potential overdraft of basin). Significant unavoidable adverse cumulative impact (Class I). Require alternative source of water to be piped or trucked in. Verify landfill operations do not require appropriate permit from SWRCB.</li> </ul>   | <p><b>D&amp;R-67</b></p> |

**Response to Letter from Diehl & Rodewald – representing Earl Darway,  
dated March 16, 2009**

Comment No.	Response
D&R-1	<p>This comment recommends adding an alternative that includes an interim extension of the existing permit over a 3 to 5 year period, phasing-out of the existing Landfill during that time, and during the 3 to 5 year period site a new landfill and complete the environmental studies and permitting. The EIR included a reasonable range of alternatives to the proposed project. The EIR does recommend mitigation that would require additional review before allowing the Notice to Proceed for each of the proposed project components. Prohibiting uses at the proposed landfill may result in similar impacts at other locations, depending upon the location and the component. No changes to the FEIR are necessary.</p>
D&R-2	<p>This comment recommends additional mitigation measures for the issues of noise and traffic safety. Impacts related to traffic safety, specifically moving the Landfill entrance location to the south were determined to be insignificant with mitigation which requires the applicant to design the entrance (i.e., left turn lane, acceleration lane, etc.) in a manner consistent with Caltrans specifications. Given this is the case, a nexus does not exist to require the entrance to remain in the same location, nor would it meet the applicant's stated project objectives. Noise, specifically relating to expansion of the MRF hours of operation, was evaluated and was determined to be insignificant due to noise levels being below 50 dBA at the closest property line. A nexus does not exist to require this mitigation measure. No changes to the FEIR are necessary.</p>
D&R-3	<p>This comment recommends several mitigation measures be included to address odors from the compost operation. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that odor impacts previously identified, which took into consideration the compost operation, would be reduced without the compost operation being a component of the project. However, the Landfill, without the compost operation, would still result in odor impacts and these have been identified as significant. With implementation of mitigation measures, odor impacts would still be considered significant and unavoidable. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.</p>
D&R-4	<p>This comment recommends several mitigation measures be included to address noise from the proposed project. Subsequent to public review of the 2009 DEIR (from which these comments derive), the County wholly revised and recirculated the Noise section as part of the 2011 RDEIR. Comments were then prepared on the revised 2011 Noise section and the County therefore had two sets of Noise section comments. In this scenario of two sets of comments for two different Noise sections, CEQA Guidelines outline options for the County as Lead Agency on how to handle the dual set of comments. The County, in the case of this project, elected to provide notice in the 2011 RDEIR that CEQA Guidelines Section 15088.5(f)(2) would be applicable. This section reads as follows:</p> <p><i>When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either</i></p>

Comment No.	Response
	<p><i>within the text of the revised EIR or by an attachment to the revised EIR.</i></p> <p>Given the guidance provided by CEQA when a lead agency is faced with this scenario, responses to the referenced 2009 Noise comments have not been prepared as responses to the 2011 Noise section comments are now most applicable. Refer to Section XI of this FEIR.</p>
D&R-5-6	Please refer to response D&R-4 above which addresses taking into consideration the revised and recirculated portion of the EIR that is now applicable, i.e., Section V.H., Hazards and Hazardous Materials, of the 2011 RDEIR and this Final EIR.
D&R-7	This comment recommends two additional mitigation measures be included to address dust. Impacts related to dust were determined to be insignificant with implementation of three very comprehensive mitigation measures (i.e., AQ/mm-2, 3, and 4). Given this is the case, a nexus does not exist to require additional dust mitigation measures. No changes to the FEIR are necessary.
D&R-8	Please refer to response D&R-4 (above) which addresses taking into consideration the revised and recirculated portion of the EIR that is now applicable, i.e., Section V.K., Water Resources, of the 2011 RDEIR and this Final EIR. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information.
D&R-9	This comment recommends prohibiting compost piles and stored materials on ridgelines as an additional mitigation measure. Impacts related to activities taking place on the top deck of the Landfill have been evaluated and considered significant but mitigable (e.g., processing of green waste, storing materials, etc.). Recommended mitigation includes construction of a berm to screen these activities from view (i.e., AES/mm-4 and 5). Given that impacts can be mitigated, a nexus does not exist to require additional mitigation measures. No changes to the FEIR are necessary.
D&R-10	This comment states that if all significant, adverse, unavoidable impacts cannot be eliminated, the applicant shall be required to purchase all remaining impacted properties. This measure does not necessarily reduce Class I impacts. "Impacted properties" is a difficult term to define and the mitigation measure would appear to be infeasible. No changes to the FEIR are necessary.
D&R-11	This comment recommends the RRP not be allowed to be relocated to the southeastern portion of the site, relocate the MRF off-site, in addition to a number of other RRP and MRF related revisions. The relocation of the RRP is necessary to allow for Module 10. Relocating the RRP and MRF to the center of the site would not allow for expansion of the disposal areas and may make them more visible from public roads. In considering alternatives to the proposed project, feasibility of the alternatives needs to be considered and as part of determining feasibility it is required to ascertain whether most of the project objectives would be attained. In the case of these suggestions, most of the project's objectives would not be met. No changes to the FEIR are necessary.
D&R-12	This comment states the Landfill should not accept waste from outside its current service area and that additional materials for composting should not be accepted either. An expansion of the existing service area is not proposed as part of this project. The existing service is shown on Figure III-4 and described in the EIR Project Description (Section III). As noted above, the open windrow compost operation has been eliminated from consideration in this EIR so the concern over additional composting has been alleviated. The comment also states that medical waste and hazardous waste should be prohibited. Medical waste is not currently part of or proposed to be accepted at the Landfill. Hazardous waste is not accepted at the Landfill, with the exception of household hazardous wastes, electronic hazardous waste (E-waste), and Universal waste (U-waste), which is accepted for processing but not permanent disposal. These wastes are collected

Comment No.	Response
	separately from others, hazardous materials are removed, and recyclable materials recovered. Separate collection of hazardous household waste, E-waste, and U-waste decreases the frequency of these materials being disposed in the Landfill or unlawfully off-site. Different drop-off procedures and processing occur for each type of waste. Currently, residents may drop off household hazardous wastes, including paints, oils, pesticides, household chemicals, etc., where materials are processed and packaged for reuse, recycling, or proper off-site disposal. No changes to the FEIR are necessary.
D&R-13	This comment states that NS/mm-4 would require relocation of the stockpile that blocks the view of the MRF, according to AES Impact 5. NS/mm-4 does not require relocation of the stockpile at the southern property line but states "in order to reduce stockpile activity adjacent to property lines, the applicant shall revise the proposed grading plans and re-allocate the material from the proposed stockpile to existing Stockpiles 1 and 3, to the extent feasible. If these stockpiles cannot accommodate all of the material, the remaining material shall be located in a new location as far away from the property line(s) as feasible, potentially adjacent to existing Module 8 and proposed Module 11. In an effort to mitigate MRF expansion-related impacts outlined in AES Impact 5, AES/mm-6-9 are recommended. These measures include submitting landscape plans for screening purposes and using building materials and colors that are visually compatible. No changes to the FEIR are necessary.
D&R-14	This comment references AES #5 (or D&R-13). Stockpiles and ongoing construction activity would be screened through implementation of AES/mm-6 through mm-9. Refer to response D&R-13 above. No changes to the FEIR are necessary.
D&R-15	This comment states that the views from State Route 227 are not addressed. Section V.A., Aesthetic Resources, addresses views from public roads, including Highway 227. This section states, "The proposed larger landform would block views of the natural ridgelines of distant hills as seen from viewpoints on Highway 227, Corbett Canyon Road, and Price Canyon Road. The upper approximately 150 feet or more of the proposed landform would have to be eliminated in order to retain distant ridgeline views. From several viewpoints along Highway 227, the new landform would block views of a portion of the ridgeline now created by the existing Landfill. Impacts identified from Highway 227 are shown as AES Impacts 1 and 2. No changes to the FEIR are necessary.
D&R-16	This comment requests that tree removal be staggered to minimize aesthetic impacts. Tree removal would occur as the project components require it. Removal is not anticipated to occur at one time. No changes to the FEIR are necessary.
D&R-17	This comment requests that additional evidence be provided to support the determination that aesthetic impacts would be mitigated to Class II Impacts. Photo-simulations have been provided as additional supporting evidence for those aesthetic issue areas where Class II Impacts are found to exist (i.e., the MRF, RRP, entrance feature, night lighting), and where other elements of the proposed project may be viewed from public view corridors (refer to Figures V.A.-1 through 15). No changes to the FEIR are necessary.
D&R-18	This comment requests prohibition of all operations after 5:00 p.m. Night lighting impacts have been reduced to a level of insignificance by AES/mm-12. No changes to the FEIR are necessary.
D&R-19	This comment states that conversion of agricultural soils to landfill is inconsistent with the General Plan. Section IV, Environmental Setting, states that wells on the project site are capable of providing 25 acre feet per year (AFY). Therefore, there is not enough water on the project site to support a 40-acre vineyard (recognized to be the minimal commercially viable size) at 0.8 AFY/acre.

Comment No.	Response
	In addition, upon evaluation of the AGP 24 criteria for when it may be appropriate to convert agricultural land to non-agricultural uses, findings indicate that due to the physical constraints of the 88-acre expansion site associated with the existing MRF and incompatibilities associated with noise, dust, lighting, and litter from the existing Landfill, there is the potential for the site to be converted without being inconsistent with this policy (refer to Section V.B.5.a., Agricultural Resources). Refer to FEIR for revisions to the above referenced sections.
D&R-20	This comment states that the groundwater basin is nearing its sustainable yield and that the compost operation should be removed from this groundwater basin. As outlined in numerous previous responses to comments, the open windrow compost operation has been removed as an existing use as well as a proposed use – and is no longer being considered as part of this EIR. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR. No changes to the FEIR are necessary.
D&R-21	This comment states that the proposed increased hours of operation are incompatible with surrounding agricultural operations because the increased hours would result in more dust and thereby exacerbate dust mite infestations at nearby vineyards. Dust issues (PM10) have been examined in Section V.C., Air Quality, and have taken into consideration the increased hours of operation and other expanded components of the project. These issues, with implementation of AQ/mm-2 and 3 would be mitigated to a level of insignificance. No changes to the FEIR are necessary.
D&R-22	This comment states that Class I Impacts would remain as a result of conversion of potentially productive soils, loss of groundwater, and agricultural compatibilities. Section V.B., Agricultural Resources, has been revised due to the Water Resources section revisions resulting from the applicant's removal of the compost operation from future consideration. Eliminating the composting operation, the most significant water user of the former project, has resulted in water supply impacts being considered insignificant. This has also resulted in agricultural land conversion impacts now being considered insignificant as there is now water remaining in the basin to support agricultural intensification of surrounding properties. No changes to the FEIR are necessary.
D&R-23	This comment states that all mass grading should be done by 1996 or newer, heavy duty, off-road vehicles. AQ/mm-1 requires the use, to the greatest extent feasible, of vehicles that meet ARB's 2007 or newer certification standards (please refer to Section V.C.5., Air Quality, of the EIR). In addition, AQ/mm-1(d) is recommended which specifies use of CARB motor vehicle diesel fuel so as to reduce PM and NOx emissions. No changes to the FEIR are necessary.
D&R-24	This comment states that all permanent and temporary roads should be paved. AQ/mm-2 and 3 require numerous measures to control PM10 emissions, including paving of roadways, driveways, sidewalks proposed to be paved as soon as completion of initial grading of the site and maximum vehicle speeds of 15 mph (please refer to Section V.C.5., Air Quality, of the EIR). No changes to the FEIR are necessary.
D&R-25	With the applicant's elimination of the open windrow composting operation, mitigation measures requiring possible implementation of aerated static piles or anaerobic digestion have been eliminated. Therefore, no further response is required or changes to the FEIR are necessary.
D&R-26	This comment states that building demolition does not address lead. AQ Impact 3 outlines impacts associated with building demolition, including the possibility of asbestos or "or other hazardous materials". AQ/mm-5 requires coordination with the SLOAPCD prior to initiation of demolition activities (please refer to Section V.C.5., Air Quality, of the EIR). No changes to the FEIR are

Comment No.	Response
	necessary.
D&R-27-28	This comment states that the acceptance of additional waste materials should be prohibited until the odor problem is eliminated, that immediate covering of waste within one hour be required, and that odor impacts remain Class I, significant and unavoidable. It should be noted that as part of recirculation of the DEIR in 2011, discussion and evaluation of odors was moved from the Air Quality section to the Hazards section (please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR). This revised Hazards section contains measures to reduce odors (e.g., HAZ/mm-10), which include sub-measures such as blanketing odiferous materials with a six-inch to one-foot layer bulking agent. Even with these measures, as well as removal of the compost operation, impacts would remain Class I. No changes to the FEIR are necessary.
D&R-29	This comment states that the applicant should not be allowed to pay money for each oak tree removed. The applicant would have the option of pursuing options in order to mitigate oak woodland impacts. The fee-related mitigation could only be selected if it was clearly infeasible to implement the other options. Addition of the payment option is included as a measure of assurance that oak trees would be mitigated for. No changes to the FEIR are necessary.
D&R-30	This comment states that habitat replacement should be implemented for 14 special status animals. Habitat replacement is not specifically required; however, the oak woodland mitigation would mitigate oak woodland impacts, including the habitat it provides for special-status wildlife species. Additionally, the pre-construction surveys that are required prior to a specific area's disturbance would require the relocation of any species found to suitable locations within the expansion area (i.e., the drainage corridor or the oak woodland area). No changes to the FEIR are necessary.
D&R-31	This comment states that additional study should be required to ensure the new location for Obispo Indian Paintbrush is viable, specify the size of the new location, and require a significant bond. Mitigation measure BIO/mm-14 requires the Obispo Indian Paintbrush Mitigation and Monitoring Plan that has been prepared for this project be revised and a proposed new location for the mitigation shall be identified. The new site (preferably onsite) shall be protected in perpetuity and be located as close to the project site as feasible. Mitigation shall consist of seed collection onsite and direct sowing at the identified offsite location. Mitigation will be deemed complete when an annual count of Obispo Indian paintbrush reaches levels comparable to baseline site conditions identified during initial surveys of the expansion area. The MMP shall be approved by the County Department of Planning and Building and the CDFG prior to issuance of the grading permit. Implementation of the Obispo Indian Paintbrush mitigation plan would be overseen by appropriate regulatory agencies. No changes to the FEIR are necessary.
D&R-32	This comment states that the project should be required to reduce 2007 level emissions by a certain percentage so as to meet 1990 levels by 2020. Mitigation measure GHG/mm-1 requires that the Landfill employ all feasible methods to limit GHG production for the life of the project. Bi-annually, the applicant shall submit a report to the Department of Planning and Building and SLOAPCD describing GHG emission control programs implemented at the Landfill. The report shall describe control program components, predicted and actual emission reductions, and calculate current emission rates at the Landfill. The report shall also identify successes and failures in the program and recommend methods for improving the programs in future years. Even with this and other GHG emission reduction measures in place, the EIR projects that significant, unavoidable adverse impact would still result. No changes to the FEIR are necessary.

Comment No.	Response
D&R-33	This comment states that acceptance of bio-solids, food waste, or increased tonnage should be prohibited until such time as GHG emission reductions have been met. Bio-solids as compost operation feedstock are not part of the proposed project and are not currently being accepted at the Landfill. With respect to food waste and increased tonnage prohibitions, please refer to response to comment D&R-32. No changes to the FEIR are necessary.
D&R-34	This comment states that the assumption of future programs reducing GHG emission impacts to a level of insignificance is unsupported. During preparation of the EIR, it was found that cap and trade programs are currently being developed in the United States, and are currently in place in other countries. Off-set, or in-lieu fee programs for other air quality impacts are already in place in San Luis Obispo County. The project-specific GHG impacts associated with the proposed project are deemed to be Class I, significant, adverse, and unavoidable, even though the statement is made in this section that there are likely to be programs in the future that reduce impacts to a level of insignificance. No changes to the FEIR are necessary.
D&R-35	This comment states that soil reporting within the expansion area should be required for asbestos. Naturally occurring asbestos is unlikely to occur in the Monterey or Pismo formations as they are marine sedimentary formations. No changes to the FEIR are necessary.
D&R-36	This comment states that an asbestos abatement or mitigation plan should be required. No plan is necessary. Please refer to response D&R-35. No changes to the FEIR are necessary.
D&R-37-46	Please refer to response D&R-4 above which addresses taking into consideration the revised and recirculated portion of the EIR that is now applicable, i.e., Section V.H., Hazards and Hazardous Materials, of the 2011 RDEIR and this Final EIR.
D&R-47-57	Refer to response to comment D&R-4.
D&R-58	This comment requests that the entrance not be moved to the south due to worse visibility. Data in the EIR demonstrates that stopping distance on Highway 227 at the existing and proposed driveway locations is adequate for vehicles traveling at 75 to 80 mph. Stopping sight distance from the vertical curve located 860 feet north of the driveway is adequate for 65 to 70 mph. This vertical curve crest also limits the line of sight looking north from the proposed driveway location. Based on the Caltrans 7.5 second criterion, corner sight distance for vehicles exiting the proposed driveway and proceeding south would be acceptable for 65 to 70 mph. Because there would be adequate stopping sight distance at the proposed driveway location for vehicles traveling on Highway 227 entering and passing the Landfill, impacts are considered less than significant. That conclusion was reviewed by the County Department of Public Works and Caltrans. No changes to the FEIR are necessary.
D&R-59-67	Please refer to response D&R-4 above which addresses taking into consideration the revised and recirculated portion of the EIR that is now applicable, i.e., Section V.K., Water Resources, of the 2011 RDEIR and this Final EIR. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR for more information.

2275 Corbett Canyon Road  
San Luis Obispo, CA 93401

COUNTY OF SAN LUIS OBISPO  
PLANNING/CONSTRUCTION  
DEPT  
2009 MAR 16 10:17 AM

March 16, 2009

Mr. John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

Re: Comments on Cold Canyon Landfill Expansion Draft EIR

Dear Mr. McKenzie:

This letter is a comment letter regarding the expansion of the draft Cold Canyon Landfill ("CCL") EIR, dated January 15, 2009. I tried to organize this in sections based on the issue.

BF-INTRO

The project undertaken is very large and the county and consultants should be commended on the work product to date. It is impressive, but I, on behalf of the neighbors, have questions and concerns, which primarily deal with existing operations, water, noise, odors, hazardous materials, and alternative sites.

I also would have liked to polish this letter more by adding the references of my sources and the page numbers of the questioned statements in the EIR. However, not enough time was given to me to do that; a one week extension on comments when the County was advised that this comment letter could be 60-80 pages long, doesn't allow that luxury. And in a way of apology, I apologize in advance for the grammar errors. I wish I had the gift of writing all the consultants had that prepared their reports. They were great.

Because of what I believe will be an extensive rewrite of the EIR, on behalf of the neighbors, we reserve all rights to provide additional comments on those revisions as if the revisions were a new draft of the EIR. The answers given to this letter by the consultants may not be technically correct.

I suggest that after the answers to these comments is prepared, the new draft EIR will be significantly different from this one and with extensive new information that has not been placed in front of the public in the form of a draft EIR. A new review and comment period should be required.

Finally, and probably the most important is this. You will understand the impact of this paragraph once you read the entire letter. There are very big problems with this application and proposed project. To just answer the issues in this letter may cost hundreds of thousands of dollars. I think that it will be a complete rewrite of 60% of the EIR, plus more backup studies and reports. When that is all over, the mitigation measures based on the project as it is now will be very costly. And then we will have another draft EIR to comment upon. It may be that CCL will want to withdraw the application and revise it before even starting this review.

If CCL is interested, I, and a few of the neighbors would be more than happy to meet with them to help develop a better project. Those dollars wasted on this effort could go to better use. You may want to make the call to see if they are interested before starting the review.

3/16/09 Comments on Draft CCL EIR

Page 1 of 69

**General.**

1. Current Application Mischaracterized. Under the 1991 EIR, the landfill was to be closed around 2000. With the efficiencies of recycling, it appeared its life would extend to 2010; now due to even better efficiencies, it is stated the current life is until 2015. This application is to extend the life another 25 years. The existing permit will expire on its own in 2015 when the landfill is full. While the permit application is characterized as a "Modification", it is not a modification. It is a brand new permit. The old one expires on its own in 8 years. That is the base case. There is not an existing right to operate CCL forever, similar to a manufacturing plant that has a permit issued to make a product. It is over in 8 years; that was agreed to by CCL 17 years ago, they accepted that permit on that condition. The County and CCL have had 18 years to come up with a new location, which was the direction 18 years ago. For whatever reason, it has not done anything towards that goal in almost two decades. There are still 8 years to find a new location, vs. saddling what amounts to a 34 year extension on the current neighbors.
2. Current Application and Mitigation Measures also must look back at Existing Permit. This EIR then is really a referendum on that old permit and its conditions, and must answer the questions if they were not adequate to mitigate the impacts, what was missed and what needs to be corrected on that permit. The existing operation is not dismissed just because the application does not touch upon the existing operation; the existing operation is touched upon because the request is also for an extension of the old permit, rights and obligations.
3. Adequacy and Effectiveness of Conditions, Mitigation Measure EBF/GEN #1. In the EIR process, the applicant proposes the project, the County thru its consultants determines what it thinks are the potential impacts, mitigation measures to address those impacts are developed, a hearing is held, the permit issued, and the project goes forward. Two issues: 1) what happens when the problem addressed, say noise at the property boundary, has a mitigation measure, it is implemented, but it doesn't work. What is done to protect the neighbors because of either a changed condition, an improper assumption by the County's consultant is wrong, whatever? The impact is now back to a Class 1 impact when the Planning Commission and Board of Supervisors made a determination that the project could go forward based on mitigating that impact to a lower level. I suggest doing as Santa Barbara County's Planning Department has done. They have a condition on the permit that is a permit review clause, a permit re-opener. Every 5 years, all of the conditions applied to the project are reviewed publically in an open noticed hearing to see if the measures worked to mitigate the impact; and the ones that don't mitigate the impact are modified. I suggest this as a general mitigation measure. It is a follow-up to AES/mm-2.
4. Enforcement, Mitigation Measure; EBF/GEN #2. The second issue has to do with enforcement. Let's say there is a condition that states that for each oak trees that is removed, 4 need to be planted from native seeds (I think this is a true condition) and that after 5 years the four trees need to be 3" diameter at the 3' level. CCL goes through, plants the trees, but after 5 years they find that only 2 survived. What is the enforcement mechanism? What happens? When asked the question at the March 2<sup>nd</sup> meeting, staff did not have an answer, other than that CCL would be in violation of its permit. So what. Staff further suggested that when CCL would start on the next module, they would not receive clearance. Considering that there are only 7 modules being added to extend the

life 25 years, or once every 3 years, that really is not a very big threat to hold over CCL's head for performance. Should they be required to shut down from taking all waste because of the two trees? That is extreme. Should they be fined, say \$10,000 for the violation of permit condition? ...maybe, but as a business decision, I might choose to not plant the tree and just pay the County the \$40,000 and tell you to go away.

What if the issue is that noise levels need to be below a certain level and they are exceeded? Does the neighbor have to sue the landfill at his own expense to get compliance? That's not fair, especially if the issue was brought up in this forum now. Somewhere, this needs to be addressed, maybe each mitigation has a level of severity defined now, and different levels of severity have different responses. All we are looking for is compliance.

5. Cost for Mitigation Measures Not an Issue. When preparing the final EIR, the cost for any proposed mitigation measure should not be a material concern. I believe that this landfill trash and the refuse/recycling material that is brought in comes in under a franchise agreement. If there is a cost for the landfill, it truly gets passed on to the consumers thru higher tariffs and tipping fees. The mitigation measures are to protect the neighbors; those paying the increase don't care, it is an "out-of-sight, out-of-mind" issue. They don't want their waste in their own backyard, so if it costs \$1,000,000 to build a complete building around the scales, they don't care because they don't want to keep their trash in their backyard. The cost is truly spread over the beneficiaries of this project. We just want exactly what those outside of the area want...no impacts and the dump to become invisible.
6. Mitigation Measures are cumulative. The mitigation measures proposed in this letter are cumulative; that is, the neighbors want all of them implemented, not just one from water, one from noise, etc. Each one has been thought out to address a certain impact, and some, if certain choices are made by CCL, become moot. But until that choice is made, the mitigation measure would be required.
7. Requested volume increase. This application is to increase volumes of waste handled. The current permit limit is 1,620 TPD; however the statement on Page III-2 says that over 5 years, CCL has taken in 250,000 tons of material/year. This is the only place any current input volumes are mentioned. This averages 685 tons/day, 42% below the permitted level. CCL wants to increase the permit level to 2,500 tons/day. This begs a lot of questions. Why? It is operating far under its permit cap. I haven't seen a showing for the need to grant this increase.

It also begs other questions to the Morro Group. Everywhere in the EIR where the impacts are scaled up from the current operation, this difference between actual now and permitted future needs to be increased. For instance on air impacts, the volume of methane gas generated from the facility that would increase doesn't just go up about 54% (2500/1620), it goes up 2500/685 or 265%. For water used in composting, it is an increase not from 300 TPD to 450 TPD, a 50% increase of 129 AFY, but an increase from 100 TPD (composting volume) to 450 TPD, a 450% increase. Then looking at matters such as noise, it would be 265% more material, so does it need 2.65 more chippers and 2.65 more row turners and 2.65 more compactors? The noise level is additive, so the future noise is not just the move, but the increase in equipment to handle that trash that will generate that noise.

On this issue alone, the draft EIR is not close to being the document law requires. This is not simply a question of expert interpretation.

"The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1).

All impacts must be based on the worst case scenario.

8. Figure III-4, Service Area Map. While this is just an approximate map of the service area, it includes a portion of Highway 166 near Cuyama. I believe that the Cuyama waste is taken to the Tajiguas landfill for disposal, it is not taken to Cold Canyon. Also, the area back to the west where 166 meets 101 is closer to the Santa Maria Landfill; I think that waste also goes south. In the interest of accurately portraying the true service area, would you check with the company who hauls the trash for the businesses by Highway 166 and US 101 and confirm that those loads are delivered here? Also, I think it is kind of deceptive to show the US Forest land all the way to Cuyama as being "Service Area". It probably should be shown as unpopulated land.
9. Life of Operation, Error on Composting Life. The EIR states that the landfill, if approved with this extension would last for about another 25 years, then closed. There is a typo on page III-28 in the last paragraph where it says the composting would continue on. Please delete the phrase on page III-28.
10. Typo, Permit Names. On page III-29, Table III-7, I think the correct names are "Authority to Construct/Permit to Operate" for the APCD permits.
11. Project Timing and Phasing, page III-30. The EIR says that construction of the project would be phased in, for instance the composting change would not occur for 10 years. Because the landfill is scheduled to close in 2015, and some of these impacts addressed in the letter are occurring now, they need to be mitigated now, not in 10 years. For instance, the current noise from composting is a result of an improperly issued ND as discussed below. If CCL accepts the Conditional Use Permit, many of the mitigation measures reflecting current problems need to be done now. For each one, please show on the tables a time certain date when they would be done. Morro Group has done well by stating for many of them "Prior to obtaining the Notice to Proceed" or words to that effect for some of the current issues, but it needs to verify that each one has the time certain date.
12. Figure III-9, Readability. In the color version of the drawing, the cross section labels cannot be read as it is black writing on a brown background. Please correct this.
13. Figure III-10, Proposed Monitoring System compared to Plate 4 of Fugro. This drawing differs dramatically from the one in Fugro's report and based its conclusions upon. Which one is right? Does this mean that the consultants thought process and conclusions were based on wells in the wrong location? Please correct this map to reflect what Fugro used to make those water conclusions or correct Fugro's report. Also make sure that every well and monitoring location is accurately shown, for instance: 1) one of the existing producing wells is not shown by the current entrance; 2) WP-1 is missing, etc.

14. Figure III-11, Readability. This drawing is unreadable. One can't tell what shading applies where because they are all generally the same cross hatching. What are the circles representing? What are the numbers indicating? There is no screening for the north east side of the property, the MRF and RRP from development on properties to the East. Please add some screening there.
15. Figure IV-1. Parcel #044-261-041 is left off.
16. Table IV-3, Consistency with Plans, 22.108.030(2g), Building Pitch of Roof. The existing building's roof is inconsistent with the 3::12 pitch limit. The roof on the MRF looks like it is more like 2::12 or less. How will this be corrected?
17. Table IV-3, Consistency with Plans, 22.108.020(A), Underground Utilities. Are the power lines underground?
18. Table IV-3, Consistency with Plans, 22.108.020.E.2, Bus Stops. Employment centers for over 100 people are required to have one shelter and one pullout bus stop within ¼ mile of the facility. Has this been done? How is the pedestrian access handled?
19. Table IV-3, Consistency with Plans, Labeling. I think the titling for each item is missing a character. For instance, 22.108.030(2g) should be 22.108.030.B.2g.
20. Table IV-3, AGP11. Please modify this as a result on my comments on water availability. This should be "Inconsistent".
21. Table IV-3, Preliminary Determination. The wording "Potentially Inconsistent" seems very fuzzy. If the project doesn't meet the criteria, then it is inconsistent. Is the word "potentially" just a placeholder for this draft, or have the authors not understood the words of the Standards?
22. Environmental Impact Existing Condition Date, page V-I. Here it states that the existing conditions are those as they existed on the date the NOP was published, which was October 22, 2006. It is now 2-1/2 years later and more data has come into existence since that time from monitoring wells, status reports, and other disclosures. This EIR has incorporated some of this data, for instance monitoring well information from 2007, which by the above statement should not occur. However, because of the long length of time this EIR has taken, beyond what I think is the statutory limit (which I can understand, it is a big project), some areas called out in this letter such as updated drawdown information or obtaining additional current data because it was not asked for before, should override this blanket statement.
23. Role of Environmental Coordinator, Access to Records. The Environmental Coordinator must make available to any interested member of the public all required reports, data, and all information it receives. The information should be posted online in an easily accessible format. Annually with the letter about litter pickup (HAZ/mm-2), a statement noting who the current coordinator is, how to contact them, website address, and the upcoming reviews for the year should be provided.
24. Environmental Coordinator's Responsibilities. The big monitoring issue will be noise. CCL will need to purchase a noise monitor for the Environmental Coordinator's exclusive use

and pay for that person to become qualified to use it. The neighbors can't be put in a position that they have to try to locate someone who can take the readings and it will take 3 months to get him out. The answers are needed immediately, so there is a need to respond with the equipment rapidly, hence get a monitor for the Coordinator.

25. Completeness of the EIR. Please check that each impact and mitigation measure listed in Section 5 is carried forward to the summary tables.
26. Inclusion of Conditions of Approval. For the next version of the EIR, it would be helpful to include the Conditions of Approval for the site (D960246D), any other conditions for the 2001 Composting, and any other government issued permit like the NPDES and APCD's permits. The solid waste permit is in the Appendix, but the public has no idea what other conditions have been placed on the landfill. It may clear up a lot of the questions and misinterpretations.

### Water

Both of the consultant's reports on water are based on what I believe are faulty assumptions, application of the assumptions, partial data, and conclusions that are not supported by the factual situation of the local aquifer based on well tests, production, and geologic information. The Fugro report, commissioned by the County, relies heavily on the Golder report, commissioned by CCL, and both appear to be paperwork research studies that don't reflect the neighboring properties situation, which is necessary for understanding the aquifer. In particular, the reports assume (in part and as detailed below):

- a) a high reservoir/aquifer extent of 1687 acres;
- b) an erroneous calculation of future landfill water usage;
- c) an unlimited reservoir extent;
- d) there are no problems or reduction in neighboring wells water volume;
- e) the transmissivity of the Monterey vs. Pismo formations have no effect on the aquifer;
- f) the porosity of the Monterey rock is 20%;
- g) that the hydrostatic pressure readings equate to water volume;
- h) that rainfall percolation to the aquifer is much higher than what occurs;
- i) the meaning of dry holes surrounding the landfill have no impact; and
- j) many other minor points, which taken by itself are insignificant, but when melded with the other points make a totally different aquifer description/interpretation, which will be brought forth in the write-up below.

As the points are addressed below, they may be jumbled, because to correctly describe the aquifer, one needs to look at all of the data in total, then work backwards to describe what is occurring. In this case, I must write to dispute the issues of the EIR, which I cannot present linearly. Also, while I may ascribe a comment to Fugro, it may actually have come from the Morro Group or the Golder report, or even a past EIR. The intent is to not lay blame, but to point to one of many places that the point/assumption may have been referred to. Just because I ascribe the comment to one entity, the correction carries through to all entities. All must be corrected.

27. Using Data and Conclusions from other Reports and Authors. This EIR needs to be a standalone document. Many of the questions posed here may be answered by the consultants as "that was a conclusion from a previous EIR and we just took that answer" or

"that came from some other expert". Unfortunately, the Morro Group is putting its signature on this document, and by doing so, is endorsing those comments as being correct just as if they had generated the conclusion themselves. If the previous statements were incorrect and they are brought to light, the Morro Group must correct them. The neighbors will not accept any pat answers laying the blame or responsibility on someone else. Morro is like the last one holding the bag; they have to answer for what is in the EIR and will be cross-examined on that answer.

28. Limits of Aquifer. The limits of the aquifer and the characteristics used in the report are in error. The comments below start to address the shortcomings.
29. Lack of Information about Neighboring Wells does not give Accurate Story on Impacts. Figure 1 shows the area around the CCL and the Hydrogeologic Study Area. (Plate 8, Appendix G). How did Fugro determine the basin extent?

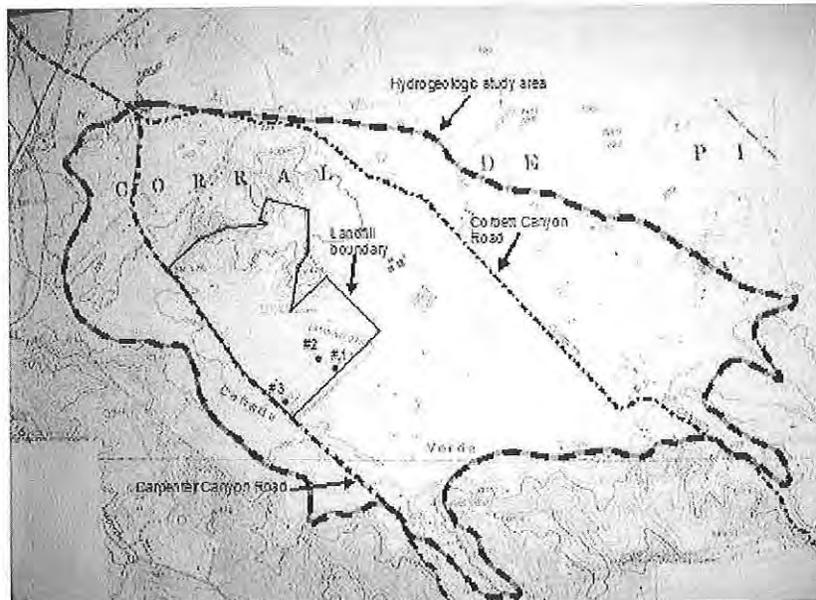


Figure 1

30. Data Acquisition. Under the Scope of Work for the EIR, the consultant was to perform an "evaluation and discussion of potential impacts on neighboring wells as a result of onsite water requirements. This analysis should take into account the cumulative impacts associated with water availability impacts" (page 33, item 7). In addition, it was to perform an investigation of draw down on wells on neighboring properties (page 33, item 4c). None

of the neighbors were contacted with any questions about current water quality or quantity. How can the consultant do this task without talking with the neighbors? If it had, it would have found out that many wells have been losing water quantity and reservoir pressure and that the extent of the hydrogeologic area is much less than portrayed in the report.

31. **Actual Number of Wells in Area.** The number of wells that Fugro felt were in the area is incorrect; it's drawing *Plate 8*, shows only 11 wells in the Study Area. Three wells Fugro shows are outside of the study area. In reality, there are at least 50 more wells. Figure 2 shows the wells that are missing. To be truly representative of the area, not only the producing wells but also the dry holes that were drilled should be shown. The dry holes (depending on its depth), delineates the aquifer boundaries through the rock record and the water production record. Annotated on the Figure are notes about wells. This data is available through Farm Supply who works on most of the wells. Why these wells are not in the DWR records is unknown, but they were drilled, some in the last 10 years. If it were only a couple of wells, this discrepancy may not be important; when it is 450%, it is material. Again, the Scope of Work required an evaluation of the potential impacts to the neighboring wells. This can't be done without talking to each of the neighbors to get the baseline of the current situation.

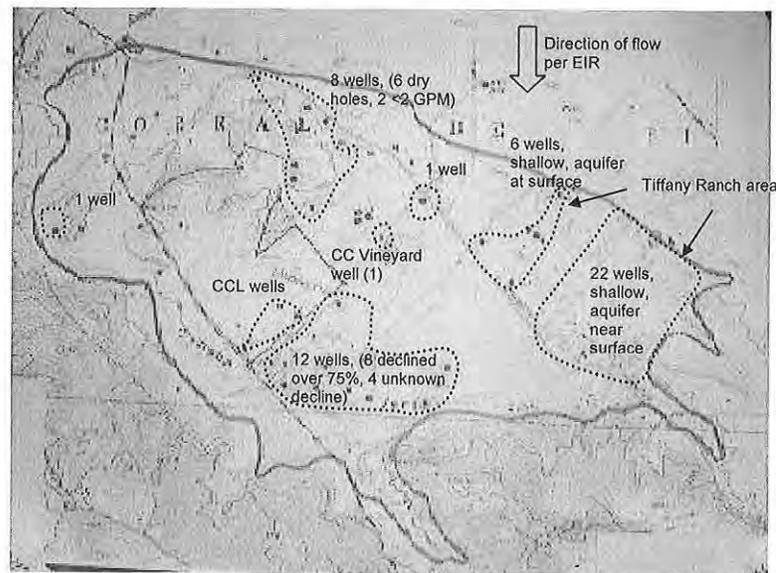


Figure 2

32. **Tiffany Ranch Area.** Included in the hydrogeologic Study Area are portions of the aquifer that I don't believe are part of the groundwater basin CCL is drawing its water from. When looking at Figure 2, the 22 well area on the east side are the Tiffany Ranch wells. Those wells are shown in yellow on the Figure because I have not independently verified that each exists. Attached to this letter and incorporated by reference is a full sized drawing that I quickly prepared showing the wells and other data. These are 5 acre parcels the

water portion of the EIR acknowledges that have residences on them, but doesn't indicate them on Plate 8. It is logical to assume they exist because each parcel has a residence, there is no community water system in the area and the area is not covered under a city water service. These wells are characterized by a very shallow aquifer; wells depths are 50-75' (~200' MSL), with water almost standing at the surface. It appears that they are producing from the alluvium of the Upper Pismo aquifer. It appears the existence of water in the wells is due to the construction of the Lopez Dam. It is very different than the wells across Corbett Canyon Road which can go down to 500'-600' (at sea level or below) with no water. The wells in the 6 well area in the Tiffany Ranch area have the same characteristics as the balance of Tiffany Ranch, with the exception of the two wells that are right on Corbett Canyon Road. Those wells are deep, very low producers, and very poor quality, indicative of a different aquifer.

My comment is that these wells should not be shown as in the same aquifer as the CCL wells. Please explain why the EIR includes them, and please do not cite some other study. Explain why these wells should be considered in the CCL aquifer in light of production and well depth from these wells. Please explain how the two deep wells along Corbett Canyon, the dry well area in the farming area, the single Corbett Canyon Vineyard well with different production (APN 044-261-035), and the Monterey production wells on APN 044-171-008 and 009 supports the inclusion of Tiffany Ranch in the CCL aquifer.

33. Dry Farming Indication of Limited Water Aquifer. Again looking at Figure 2, the area between the 12 wells, 22 wells, 6 wells, 1 well and the Corbett Canyon Vineyard well area is an area that is dry farmed, because wells drilled here never produced.
34. Dry Holes Indication of Limited Water Aquifer. In the 8 well area, 6 dry holes were drilled to about sea level, covering any potential fresh water aquifer. One of the wells has declined from 7.5 GPM on initial testing to 1.5 GPM, indicative of a very limited aquifer. It produces from the Monterey shale which has porosity only in the fractures and the matrix porosity is effectively 0%. The specific capacity of the well started as 0.030 GPM/ft and has dropped to 0.020 GPM/ft. In another, the specific capacity was 0.0046 GPM/ft. The County has refused to recognize it as an acceptable water well for a residence. It was drilled to (-5') MSL.
35. Assumption that Initial Well Test When Well is Drilled and Reported to DWR is the Current Production. In the Fugro report and the Golder report, it takes the initial well test when the well was drilled as being the current volume from the well. This is an erroneous assumption. In other areas with unlimited aquifers, it may be a fair assumption, but in the Corbett Canyon hydrogeologic area, it is a bad assumption. The volume has fallen off considerably, meaning the aquifer is being depleted faster than the recharge. As demonstrated later in this letter, the EIR's assumptions that produce a groundwater recharge does not match reality, or else the drop in production and the requirement to install Pump Saver controls on wells would not be necessary.
36. Missing Data on Wells. While the DWR, CCL or neighbors may not have data on their wells, the best source of data is from Farm Supply. They work on almost every one of the local wells and have well records that go back literally decades. From their records, one can see the progression of pumps; if the well started with a 40 GPM pump, the conclusion is that the first well test upon drilling showed the well would support that volume of pump. Then if 5 years later Farm Supply changed the pump out with a 25 GPM pump, that is

evidence that the well has declined in production volume to that level (without consideration for time the well operates).

Then if the Farm Supply records indicate that a Pump Saver was installed on the well (and there is no notation about a voltage problem), that means the well is being pumped dry with that size of pump and sucking air. There is not that level of inflow to the casing. The setting on the Pump Saver, if noted, can determine generally what the well is producing. For instance, if the well pump is rated at 10 GPM, the setting has the well at rest for 30 minutes, and the volume of the casing holds is 200 gallons to the depth of water (which is noted), this is an indication that the well is only giving up around 200 gallons in 60 minutes, or producing about 3 GPM on the long term basis.

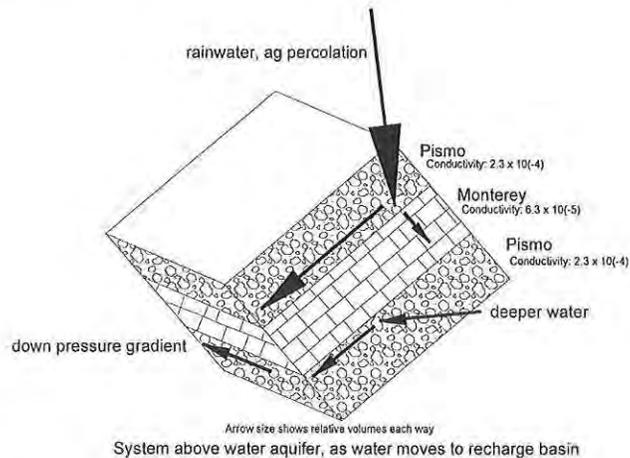
37. Hydraulic Conductivity to Neighboring Properties. In the Scope of Work for the EIR, the hydraulic connection between the landfill aquifer and that beneath adjacent properties was not presented (page 33, item 3). The EIR presented that there was no connectivity to the Upper Pismo and Lower Pismo basins, but not to the adjacent properties. I agree that there is no connectivity between the other basins as discussed below. The hydraulic conductivity between adjacent properties is not detailed, and in the case of the Darway properties (APN 044-261-038, -039, -040, -041) to the southeast, the conductivity is such that the Darway wells have been depleting

Depth of well	Total depth above (below) sea level	Initial GPM at startup	Current GPM
150'	90'	45	15
100'	140'	45	15
100'	100'	35	10
600'	(-320')	75	0
300'	(-50')	35	15
300'	(-50')	35	15
500'	(-240')	15	<5

38. Dry Holes to the West of CCL. In the case of the 8 well area, three wells have been drilled within 300' of the CCL property boundary. Two of the wells were on my property (APN 044-171-008) and even though they were south of the Monterey formation on the property and in the Pismo formation, they were dry holes.
39. Aquifer Pressure does not mean Production. In the wells referenced above, the aquifer pressure we saw in the two wells (APN 044-171-008) was an extension of the Typical Groundwater Contour Map, Plate 6 in Appendix G. However, just because there is pressure, does not mean there is any water volume. The wells went a distance of 300' and 500' to a depth of 128' above sea level and 115' below sea level. There was no inflow. That means the reservoir rock is such that it cannot store water.

This lack of relationship between aquifer pressure and water volume is an important point for the layperson. It needs to be called out clearly on the contour map and a disclaimer put in the write-up. Otherwise, the layperson thinks of the aquifer like a swimming pool. To them, a 200' contour means there is 200 feet of water down there.

40. Current and Future Sources of Water for Agriculture. In the Scope of Work for the EIR, the consultant was to identify and describe the current and potential future water sources suitable for agricultural uses (page 7, item 5). As shown by this letter, there are no future sources of water suitable for agricultural uses in the Hydrogeologic Study Area and this statement must be clearly made in the EIR.
41. Impact of the Monterey Formation. Throughout the report, it details that the Monterey Formation lies to the east of CCL and underlies the NE portion (Plate 3, Plate 5, and Plate 7 of Appendix G). It is referred to as the Diatomaceous Member in the Golder report and the Fugro reports. It is a rock that has a high porosity, but no permeability. In the oilfield, to produce it, hydraulic fractures must be made to get flow to the wellbore. It is very different than the Pismo Formation sandstone. This is partially demonstrated mathematically by Golder's report (page 7, Aquifer Properties) showing a hydraulic conductivity of the Monterey Formation of  $6.3 \times 10^{-5}$  cm/sec and a hydraulic conductivity of the Pismo Formation of  $2.3 \times 10^{-4}$  cm/sec. This means that water will flow 3-1/2 times faster in the Pismo than the Monterey. In layman's terms, if the two formations were side by side and water under a constant pressure was pushed through each, the water would flow through the Pismo rock easier and faster than through the Monterey.

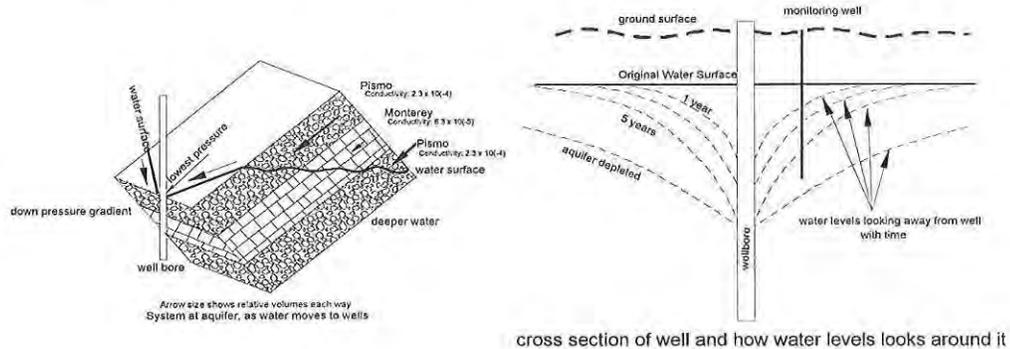


Another way to look at it. If three rock slabs were stacked at a 45 degree angle, with a 2" thick section of Pismo rock on top, a 2" thick section of Monterey Diatomaceous rock below, and a 2" thick Pismo section on the bottom, if water enters through the top Pismo rock, when the water hit the Monterey layer below it, the water would preferentially not go through the Monterey, but move along the interface through the top Pismo parallel to the interface.

The relative length of the arrows in the drawings shown after the water drops to the interface in the drawing above represent the relative volumes of water that would flow down slope along the interface of the Pismo/Monterey formation or into and thru the

Monterey. In reality, the arrows (flow) only goes down slope to the water level in the reservoir, then, following the path of least resistance, would flow sideways, to the right or left, down the pressure gradient.

Once the water from rainfall percolation hits the water of the aquifer, it flows down gradient towards the lowest pressure. As shown in the drawing, this is a well. If the well did not exist, the water would continue down slope, out towards the ocean, or sea level.



This effect is shown on Plate 6 of the Fugro report, Appendix G. The 190 foot pressure contours that surround the Weir wells indicate significant drawdown. The arrow shows the aquifer flow towards those wells. If there were adequate groundwater flow of recharge into the basin compared with outflow, this localized depression would not occur or be as great.

The EIR was to determine the effect of pumping on neighboring wells. After getting the data for the survey that generated Plate 6, the consultant should have answered the question, how far does this depression go? It did not do this but should have done it.

42. Location of Oil Well on Property. To correctly interpret the geology of the area, the location of the Goldman-Furtado #1 well drilled in 1965 should be located on the map. It is described as being 990' S and 330' E of the projected NW corner of section 33-31S-13E. It has a 10-3/4" casing. This is from the DOGGR's records. This puts it close to the P-2 well location.

In the May, 2007 Groundwater Monitoring Summary Report prepared by RMC Geoscience, page 7 states that the well was located near MW-5. This is a distance away from the location listed above.

The well needs to be accurately located. The DOGGR personnel will come out and assist with locating it; in addition, Manuel Furtado, a neighbor at APN 044-171-013, lived here when it was drilled and may be able to show you where it was.

The concern is that as an oil well, the well should not be covered; it is a California Division of Oil and Gas regulation that it be accessible with a clearance of 10' on 3 sides and 25' in front. This is to get on the well in the event it needs to be reabandoned. I am concerned that it may be buried under the fill at the top of the hill. If it is near any fill, a condition must be added as required by the California Division of Oil and Gas to make sure it is not covered; if covered, it needs to be exposed.

43. Location of Oil Well on Adjacent Property. The Loma Linda #1 well was drilled on parcel APN 044-171-008. Its location in the DOGGR's records describe it only with Section 28, T31S, R13E. It should be put on the maps because it is pertinent in describing how the Monterey runs in the area and the aquifer limits. It is incorrectly mapped in the 1991 EIR. The GPS coordinates are 35°11.503N and 120°35.298W at a GPS elevation of 372'. It is on my property and the pad can still be seen.
44. Monterey Impact. Due to the relative hydraulic conductivity difference in the Monterey vs. the Pismo sandstone, the Monterey, which goes right down the middle of the hydrogeologic study in 2 parallel beds, acts like a barrier; pressure is transmitted through the zone, but not volume. Figure 3 shows where the Monterey is exposed at the surface. The cross hatched area is the Monterey rock. (Note the exact position shown may be off as I do not have the tools the Morro Group has to display drawings and I am working off copies of copies).

As one looks at the drawing, and visualizes down into the ground, keep in mind that the Monterey formation is very deep. In the Loma Grande #1 well, it was drilled to a TD of 2125' and was all Monterey. In the Goldman Furtado #1 well, located on the landfill property near the top of the landfill, Pismo sands were found between 400-480 feet, and the top of the Monterey was hit around 2000' (1540' SSTVD). From 2000' to TD at 3895', it was solid Monterey.

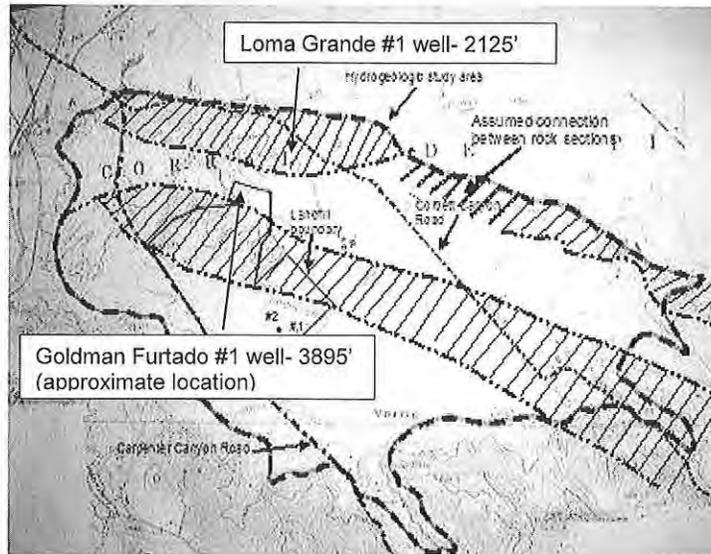


Figure 3 Monterey Top where seen at surface

45. Putting Together the Tiffany Ranch Data with the Monterey Data. Putting the production data from the Tiffany Ranch area in conjunction with the cross section of the hydrogeologic study area that is an extension of ERC's 1991 EIR, Figure IV B-3, Diagrammatic Geological Cross Section, but extended to the bounds of the study area along the cross-section lines shown in Figure 4 brings us to the correct hydrogeologic model for the study area and is shown in Figures 5A and 5B. The dips and the Monterey outcrops of around  $41^\circ$  come from the EIR Plate 3. Note that other geologic maps of the area (Diblee) have the dip on the east end of the landfill closer to  $60^\circ$ , the exact degree dip number is not important, but the effect of this steep dip is.

In addition, the area between the two Monterey sections shown in Figure 4, Section A-A' has questionable aquifer characteristics. Two wells drilled on APN 044-171-008 to sea level did not encounter any sandstone that is a water storage reservoir rock below the top of the groundwater water table shown on Plate 6 of the EIR, but generally verified the 280' and 300' contour lines. The key thing is that the rock material was shown to not hold any volume of water. It was described as green silt and soft green shale. The geologic description of Pismo "Sandstone" may be in error, but this doesn't change the overall area model.

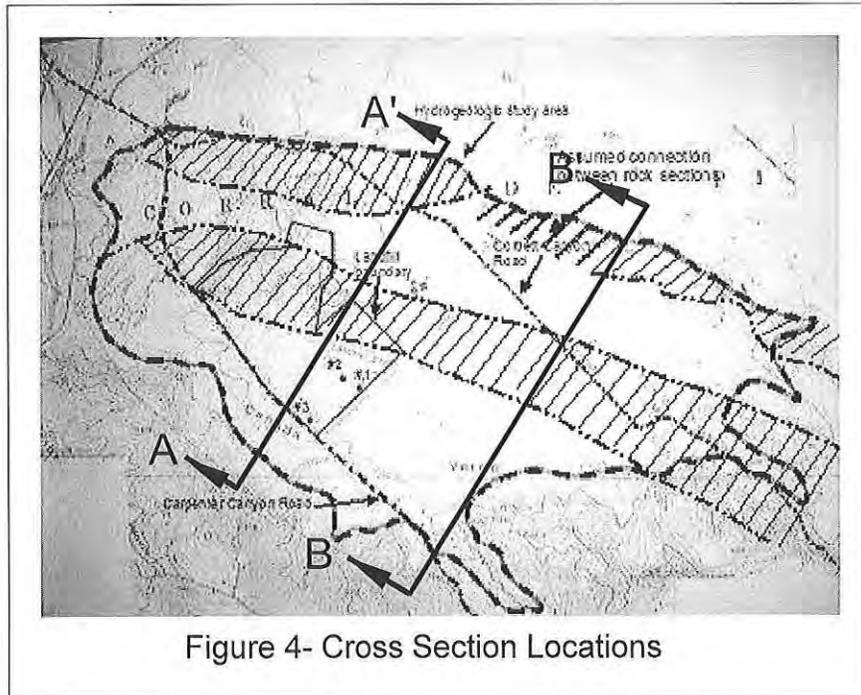
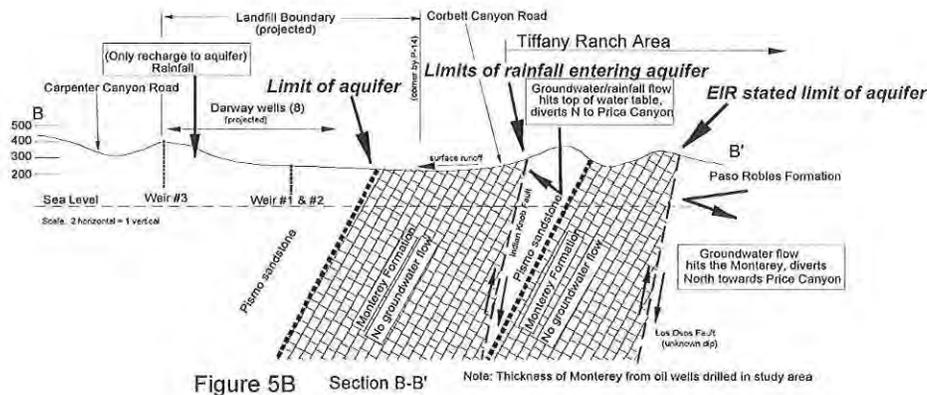
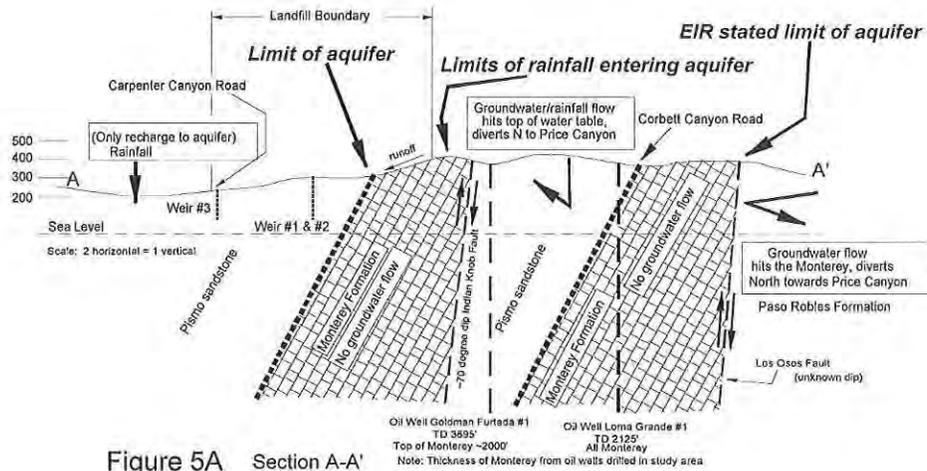


Figure 4- Cross Section Locations

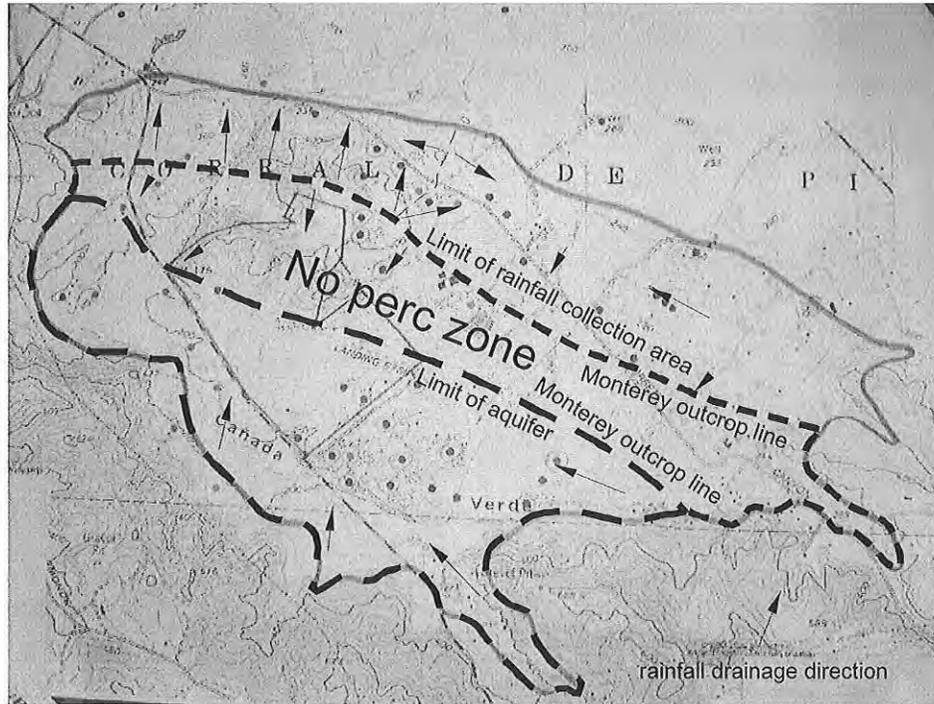
46. Dip of Indian Knob Fault. The 1991 EIR characterized the Indian Knob fault as being nearly vertical. This EIR characterizes it as the same angle as the beds, or around  $41^\circ$ . These comments, I assume are based on the surface examinations. The location of the Goldman Furtado #1 well and its intersection with the Monterey at 2000' TD, based on the distance off the Monterey outcrop of approximately 750' away would have it tipping at  $70^\circ$ . As this document will be used as reference in the future for other projects, this technical correction should be made. Please verify the  $70^\circ$  number once the well is accurately plotted on your maps.



47. Why this Model is Correct. This model as outlined in this letter is more correct than the model portrayed in the EIR because it explains the well performance, or lack of performance that is occurring in the field, the differences in well performance across the hydrogeologic study area, the dry holes, and uses the data presented in the draft EIR.

48. Correct Aquifer Limits. Figure 6 shows what I believe the correct aquifer limits should be, based on topographic elevation and direction of rainfall runoff, location of the Monterey blocking formation, and the limits to the west as stated by the EIR. The one streak of alluvial clay/sand running across the study area from the Tiffany Ranch area towards

Corbett Canyon Vineyards is most likely the cutting down into the Monterey and alluvium deposits from the intermittent stream running from the NE to the SW. This stream may directionally help recharge the aquifer, but that volume would be insignificant. I did not show it on Figure 6 because it makes the map more confusing.



EIR Aquifer area: 1687 acres  
 Correct aquifer area: 626 acres  
 Correct rainfall area: 1101 acres

Figure 6

49. Use of Land vs. Land Use Incorrect. It is almost as if the consultants working on this report did not even go to the area and look at the surrounding area. First, the report is correct that the area is zoned Agriculture. However, a great leap of faith occurs, when it states that because it is agriculture, it could be developed into vineyards. This is wrong. To have vineyards, one needs water. Without water, AG land cannot be vineyards. The only way for an AG zoned property to develop a vineyard in the area would be if it imported water from outside of the hydrogeologic study area. That is where the existing vineyards in the EIR's hydrogeologic study area get their water. If the consultants had done the field

surveys that the EIR Scope of Work required, they would have found out that: 1) Corbett Canyon Vineyards (APN 044-261-035), 99.7 acres, gets its vineyard water from outside of the study area. It has one 75 GPM well that has declined in volume to 65 GPM, and that well only operates 25% of the time; 2) the vineyards and irrigated row crops across Corbett Canyon (APN 044-231-032) gets its water from a well over ½ mile outside of the EIR's designated hydrogeologic study area; 3) the vineyard on APN 044-072-052 gets its water from a combination of a well located near the one described under 2) above and the well that is shown outside of the EIR hydrogeologic study area on the north end of Corbett Canyon Road due north of the landfill; 4) the Edna Valley residences surrounded by Parcel APN 044-072-052 get their water from that same well; and 5) APN 044-151-016 gets its water from APN 044-171-017. The well listed as serving the #3 demand by the vineyard and the #4 demands by the residences is outside of the aquifer as evidenced by its production capabilities, 300 GPM and it runs for days at a time. It produces from the alluvium of the Paso Robles Formation. This means the assumption that the build out of the AG area would be vineyards is incorrect. At least, if they are vineyards, they will not be taking water from the CCL aquifer, but from outside the area. Figure 7 shows this inflow of out-of aquifer water.

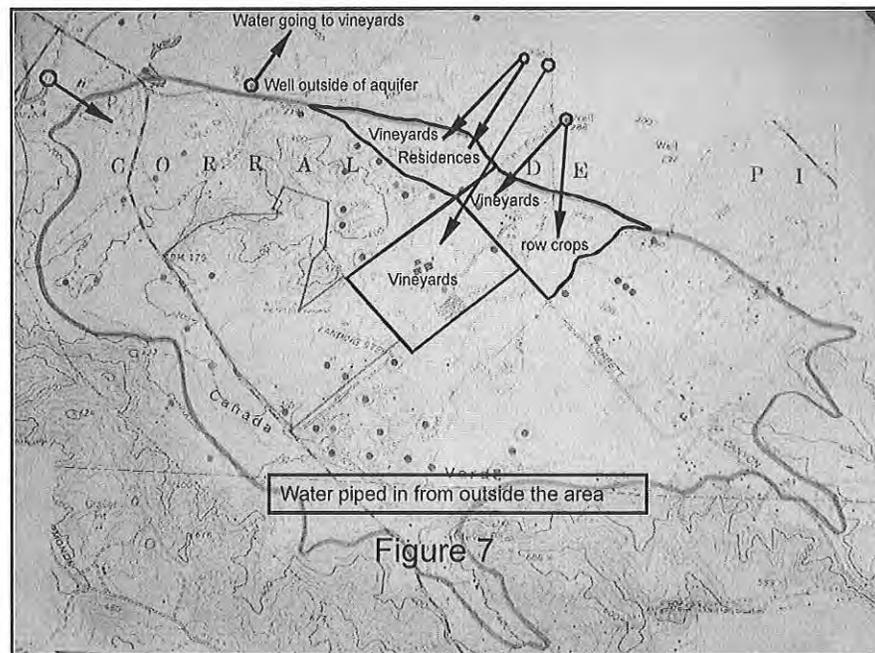


Figure 7

50. Mapping Errors. There are numerous mapping errors on Plate 4 of the Fugro report. There are three MW-2's shown, two P-2's and 2 P-6's. Wells MW-5, P-7, P-13, P-14, and B-2 are not shown on the map. A B-3 is shown but not referenced. The legend shows two

items as "Proposed stormwater discharge sample location" as a red triangle and a black square. Are these one and the same? Where are the black squares on the map?

51. Mapping/Table Errors. Table V.K-4, page V-236 has errors in it. The following wells are not listed; P-10, P-11, P-12, P-13, P-14, B-1, B-2, and B-3. What are each of these wells monitoring? Please break this table out as to what formation each one is in, the Pismo or Monterey formation.
52. Result of above Mapping Errors- Water Quality. If both of the consultants to the County don't know where the monitoring wells are, how does that inspire confidence that they are qualified to address whether the monitoring program is adequate? These drawings and tables need to be updated and reissued as the incorrect information has been put out to the public and how can the public comment on a seriously flawed base data? I reserve comment on all aspects of the monitoring until these are updated and reissued as a draft for comment.
53. Monitoring Wells, Access to the Permeable Formations. Trying to figure out where the wells are from the errors shown above is difficult, but it appears that the following wells are Monterey wells: MW-2, P-2, P-3A, P-3B, P-4, P-5, P-8, and P-9 that have had historic monitoring. The following are the Pismo wells: MW-1, P-1A, P-1B, and P-6 that have had any historic monitoring.

If this is correct, there really has been little monitoring of onsite water migrating offsite in terms of water quality. As the EIR states, the transmissivity of the Pismo formation is 3.5 times better than the Monterey ( $2.3 \times 10^{-4}$  vs.  $6.3 \times 10^{-5}$  cm/sec). This means that any water coming out of the landfill will preferentially flow to and in the Pismo formation. In actuality, the Monterey has flow only in the fractures. If the monitoring well in the Monterey does not hit any fractures, which is very likely, it will not see any fluid flow leaving the landfill.

This brings us to the Pismo formation. P-1A and P-1B are side by side and are located along the property line between the old CCL boundary and the Weir property. P6 is also located along the property line between the old CCL boundary and the Weir property. MW-1 is about 500' south of the entrance. So in effect, only 3 wells are doing all of the groundwater monitoring.

P-1B has only detection monitoring at this time, meaning no exceedances of whatever they are testing for has been seen. The report states that P-1A is "Other monitoring", whatever that is. MW-1 has detection monitoring, apparently for VOCs, and has correction action monitoring for inorganics, stating that chloride, sulfates, and dissolved manganese levels were exceeded. Morro Group explains this as naturally occurring constituents, which I will agree. Well P6 only has "Other monitoring" also.

Please provide information in the EIR of what the "Other Monitoring" is.

Therefore, only P-1B and MW-1 have water quality monitoring in the formation with the least resistance to flow to cover the entire landfill drainage into the aquifer area. There are not 15 monitoring wells, there are two. The EIR should describe this in detail, and the possible interpretation.

54. Additional Monitoring Wells, Mitigation Measure EBF/WW-#1. Based on the above, it appears that the area between the existing entrance running north to monitoring well P-9 (Monterey well) does not have a well monitoring flow in the Pismo formation. With the possible construction of Module 10 right adjacent to Highway 227 and the first module directly on top of the Pismo formation, an additional well 100-200' north of the old entrance should be added. Even if the entrance is not moved or the Module not constructed, the well is necessary. The well needs to be monitored for man-made materials and compounds which would be the ones of concern for leaking.
55. Stormwater Monitoring. Plate 4 of Fugro indicates that there are two existing and one proposed location for stormwater monitoring. There is no discussion in the EIR of what is measured here, frequency of sampling, past violations, water quality, etc. at these locations.
- One neighbor has indicated that originally CCL had a monitoring light that was installed near the leachate collection area and it used to go on all the time. For the past couple of years, it has not been on. He indicated that he was under the impression that it has been disconnected or the light has burned out and not maintained. What was the light for and is it in operation? Before when it would go on, they would phone the landfill and CCL would send out a "big truck" to do something, possibly remove the storm water? I am guessing that it is some sort of high level alarm. What is the mitigation measure for it? Does it still operate?
56. Current Water Demand- Residences. The EIR, page V-231 states that there are 70 parcels in the study area and each is assumed to have a residence on it. Going to the correct limit of the aquifer, there are 30 parcels. This reduces the water consumption by residences from 35 acre-ft/year to 16 acre-ft/year.
57. Conflict between Reports- Current Water Demand. The Draft EIR, page V-231 has current water demand of 37 AFY for residences and 270 AFY for agriculture. In the Fugro Report, page 19, it shows the current residential demand of 88 AFY and agricultural demand of 203 AFY. One, or both is wrong. Fugro uses a Santa Barbara city estimate for household use; the Morro Group report uses an SLO figure. Looking at the lifestyles of the neighbors, the SLO figure is probably a better estimate.
58. Leachate Volume Errors. Fugro on page 13 states that CCL recovers approximately 700,000 gallons of leachate per year to use as dust control. The 2007 Semiannual Water Quality Monitoring Report (page vi) states that 267,900 gallons of leachate were recovered in the first half of 2007. Annualizing this number makes 535,800 gallons/year. This is only 76% of what Fugro used for this source. If correct, this represents another demand on the water supply. Please provide backup to justify the 700,000 figure and its resulting use. A table listing the volumes as reported in the Water Quality Report would be a good start.
59. Water Usage in the AG Area. The EIR states in the Section on water demand (Fugro Report, page 17) that 169 acres of vineyards are planted in the hydrogeologic area. It further states that vineyards in the area use 1.0 to 1.2 AFY/acre of water. The consultants conclude that the current agricultural demand is 169-203 acre-ft/year by multiplying the two numbers.

These figures are incorrect. As stated above, and which can be verified by a site visit, only 99 acres of vineyards of concern and are irrigated mostly with water from the aquifer. The other vineyards use water from outside the area (Figure 7) so it should not be included in the demand (but parts could be included in the percolation from irrigated crops). The vineyards to the northeast of Corbett Canyon use 0.33-0.75 AFY/acre (G. Donati, manager of Paragon Vineyards, growers for ~ 5,000 acres of grapes in the Edna Valley). A figure of 1.0 to 1.2 AFY/acre is typical of the Central Valley where the soil is sandy and more water is necessary as too much percolates away.

However, Corbett Canyon Vineyards, the 99 acres, (APN 044-261-035) is in a different situation. Its onsite well produces 65 GPM, but is only on for 25% of the time (operator's statement) for the winery operation on the parcel with some water going to the vineyard. This makes yearly production from the well to be 26 acre-ft/year (0.2 AFY/acre). This is far different than the EIR's conclusion of 169-203 acre-ft/year coming from on-site sources. CCV gets additional water from a well 1 mile away to the northeast shown on Figure 7. This water is not coming from the CCL aquifer, but accounts for the difference between the 65 GPM part time well volume and the assumptions/practice of 0.33-1.2 AFY.

It is clear that the amount of water taken out of the CCL aquifer must be better established, and the amount brought in from outside the aquifer determined, because that second volume contributes to the irrigated recharge.

60. Irrigation Infiltration in Vineyards. The EIR states (Fugro, page 22) that 15% of the irrigation water percolates to groundwater. I have not investigated if the assumption to arrive at the 15% has the same errors as the percolation figures Fugro used and that were commented on below. Fugro applies this 15% figure on the incorrect assumption of the amount of water used, 203 AFY applied for an infiltration of 31 AFY from the agricultural watering.

The water produced by the well on the vineyard property is not the amount of water that infiltrates to the aquifer. That watering number is not available. Water comes from offsite wells. Using the high watering figure from the local Edna Valley growers of 0.75 acre-ft/acre/year with a 15% infiltration rate makes the maximum groundwater recharge from irrigation 5 AFY. This uses the area of the vineyard that is shown as in the rainfall basin that has the potential to infiltrate to the aquifer, an area of 45 acres. The balance of the 99 acres of the parcel on the northeast side on the Pismo Formation is sandwiched between the two Monterey sections. The portion of water applied there will not infiltrate into the CCL hydrogeologic area.

61. Rainfall Percolation. In the Fugro Report, Groundwater Recharge Estimate, page 22, calculations are done on rainfall that would percolate to groundwater, which by Fugro's statements contributes the greatest quantities of water to the aquifer. For its calculations, it cites a DWR, 2002 study that present percolation as a result of rainfall. Fugro states that based on that study, between 9% to 16% of rainfall percolates to groundwater. Fugro goes on the state that the 9% number is based on the Tri-Cities Mesa- Arroyo Grande area, a 16% figure is based on the Santa Maria Area. It concludes that the average of 12% should be used. Multiplying this 12% average times the annual rainfall of 22.1 inches/year multiplied by 1,687 acres yields rainfall inflow of 373 acre-ft/year, is Fugro's conclusion.

This is incorrect for multiple reasons. Going back and looking at the DWR 2002 study, there are many characteristics that Fugro did not incorporate. Even though the study even calls out that the determination of precipitation recharge is not precise, the following shortfalls were not considered. DWR states that precipitation would percolate deeply only on urban and agricultural irrigated areas when 11 inches of precipitation have fallen annually and on areas of native vegetation when 17 inches of precipitation have fallen annually. Rainfall above 30 inches does not contribute to deep percolation (DWR study, page 139). Their results were that the deep percolation as a percentage of precipitation ranged from 0% (dry years) to 14.5% (wet years) with an average of 9% for the Tri-Cities Mesa- Arroyo Grande Plain area. For the Nipomo Mesa, the figures were 0% to 29% with an average of 12%. For the Santa Maria Valley, the range was 0% in dry years to 40% in wet years with an average of 16%.

In terms of geologic rock and the ability to percolate, the analogy fails. The Tri Cities Mesa - Arroyo Grande Plain area is described on Dibblee and Jennings geologic maps as dune sand, Quaternary- Pleistocene marine and marine terrace deposits and alluvium. The Nipomo Mesa is geologically described as dune sand. The Santa Maria Valley is described as quaternary alluvium. These areas are starkly different than the CCL aquifer. On those same maps with the same describers, the CCL surface rock is described as Upper Miocene marine and Middle Miocene marine. In plain English, the other areas are sand, the CCL area is hard sedimentary rock.

The difference is more than significant. On the three DWR study sites, any rainfall that percolates is percolating thru alluvium, dune sand, and marine terrace deposits, not sedimentary rock. The rock reservoir is not bounded by or underlain by the Monterey shale.

In terms of vegetative cover, the Santa Maria Valley is heavily covered with irrigated agriculture, not the situation in the revised CCL hydrogeologic study area, which reduces percolation. The Santa Maria Valley area is a flatland plain, formed by thousands of years of sediment from the Santa Maria River.

For the Nipomo data, it may be most comparable of the three in terms of vegetative cover due to the fact that the bulk of the Nipomo area would be considered native vegetation.

For the Tri Cities Mesa- Arroyo Grande Plain, it is like the SM Valley. But it is more urban and contains irrigated row crops where the farming exists.

To take the average of the three areas for a percolation figure skews the results. If anything, the Arroyo Grande area is the closest of the three, but a good portion of that area is urban and irrigated agriculture, not the rural native vegetation in this groundwater basin.

With the exception of the Corbett Canyon vineyard, (which extent the vineyard is over the aquifer is questioned), all land in the revised hydrogeologic study area is primarily in its native state or native vegetation.

Independent figures must be developed for this area. DWR states that if the rainfall is less than 17 inches, no water is considered to percolate deep. Of the 24 years of rainfall data presented by the EIR, 14 out of the 24 years (58%) had rainfall above 17 inches and 10

years (42%) the rainfall was below the threshold. This means that 42% of the time, rainfall does nothing to recharge the basin.

Then looking at the ability to percolate, the rock and the geology alone, the 9% figure for AG would be the best of the three, but it really isn't even close and it reflects an upper bound, but not a realistic number. The CCL aquifer numbers must be less.

In summary, taking into account the irrigated agriculture in AG compared with the native vegetation at the CCL area, the geology of dune sand vs. the Monterey shale/Pismo Sandstone for CCL's aquifer, then factoring in the percentage of years with no percolation and finally factoring in the loss of volume of water I have seen flowing down the creeks after even a small rainstorm (indicative of minor percolation even as the water passes over the Pismo formation), I think a lower figure of 5% is closer to reality.

62. Precipitation Infiltration in Aquifer Area. Figure 5 shows what I believe the limits are for the rainfall aquifer. This is the area where a drop of rain, if it were to land in that area, has a chance to enter the CCL aquifer. It is measured to be 1,101 acres. Fugro, page 22, as stated above, uses the following calculation:

$$1,687 \text{ acres} * 12\% * 22.1 \text{ inches/year} = 373 \text{ acre-ft/year infiltration}$$

Correcting this by using the better rainfall area and better infiltration percentage, the true rainfall infiltration is closer to:

$$(1,101 \text{ acres} - 134 \text{ acres (sealed landfill area)}) * 5\% * 22.1 \text{ inches/year} = 89 \text{ acre-ft/year}$$

63. More Accurate Precipitation Figure. In the July, 2007 First 2007 Semiannual Water Quality Monitoring Report prepared by RMC Geoscience, page 72-5 indicates that CCL keeps track of the daily precipitation at the site. The EIR used data from the SLO Airport. If the data directly from CCL is available, it should be compared to the figures from the same period of time from the Airport to see if a minor tweak is required to better determine site specific rainfall. The CCL data won't go back the 24 years the Airport's data does so it won't be statistically accurate, but a statement could be made that it appears the site may get a little more rainfall than the airport numbers used, or it may get a little less.
64. Weir Well Production Decline. An antidotal report in 2001 said that the Weir #1 well was producing 65 GPM and the #2 well was producing 20 GPM. In this EIR, 8 years later, the production from the Weir wells is stated to be 40 GPM from the #1 well and 22 GPM from the #2 well. The Fugro report concludes that these wells have sufficient capacity to meet the demand. However, this decline and the reason for this decline are not addressed. It is significant decline in a short period. The EIR needs to attempt to verify if a decline has occurred and explain why there is depression now around the #1 well and #2 well shown on Plate 6.

As described above, this data most likely is available at Farm Supply and in the interests of accurately describing the project, I am sure CCL would be glad to grant the consultants access to that data. For that matter, the neighbors I have visited with all have stated that they have no problem releasing that information from Farm Supply or from the County's well records for this EIR. We just have to be asked.

65. Monitoring Well #MW-2 Going Dry. In the July, 2007 Semiannual Groundwater Monitoring Report, it states on page V that when sampling in early 2007, a sample could not be collected from well MW-2 because the well did not contain sufficient groundwater for analysis. In addition, in Golder's report, the water level from August, 2005-July, 2006 was 70-72' from surface. The 1991 EIR shows that the well is only 75' deep and at that time had 22' of water in it. How do the consultants explain this 20' drop in water elevation in this well considering it is only a monitoring well and not a producing well? The nearest producing well, Weir #2 is over 1400' away and the Theis analysis shows that drawdown of this level would only occur within 6' of the Weir #2 in one year and 30' away in 20 years.

Any monitoring of water from this well, in effect, is just skimming off the surface and not indicative of water migration. It needs to be deepened.

66. Adequate Depth of Monitoring Wells, Mitigation Measure EBF/WW#2. Without checking each of the monitoring wells because this EIR has not made it easily available, and based on the potential of a dropping groundwater table, there needs to be a mitigation measure that every monitoring well shall run into the groundwater with at least 25' of casing open to the water. You can adjust that 25' level based on the experts thoughts, but the depth needs to reflect a representative sampling of the aquifer all the time.

67. Measuring other Groundwater Contours before EIR is Deemed Complete. Because of the depression shown around the #1 and #2 wells on Plate 6, I suggest that before this EIR is deemed complete, measurements need to be made of the wells on the Darway properties (APN 044-261-038, ;039, 040, 041) to determine the extent of the depression. It appears that the depression is caused by overdrafting the aquifer by the #1 and #2 wells, in effect, depriving the neighbors of water. Without this data, the EIR has major technical issues. Without this data, one can't monitor the future impact of water production.

68. Pump Test on Weir #1 and Weir #2; Mitigation Measure EBF/WW-#3. In preparation for this EIR, neither Golder nor Fugro performed a pumping test on well #1 and #2 (Page 20, Appendix G), but used hydraulic conductivity from the P-1B well. A mitigation measure (WR/MM-2) has been added to require a test of the Weir #3 well, but this also needs to be done for the #1 and #2 wells as opposed to making the assumption that the characterization of P-1B is correct. P-1B is not a producing well, it is a monitoring well. Also, the current water volumes stated are not factual; they are antidotal based on the manager's thoughts. They could be biased. Without a meter, it is only a guess. This is necessary before the EIR is certified as complete, because if the production has dropped and is not there, this dramatically changes everything about the availability of water for the project and the resulting impacts on the neighbors. A hydraulic conductivity and storativity test needs to be done on each considering the potential impact. Because of the sensitivity of water in the area as written about above, CCL must prove that they have onsite water for the next 34 years. The test needs to be more than just the 72 hour test, but consideration for a longer period (1 week?) and including well specific hydraulic conductivity and storativity. If the results are lower than the EIR numbers, the water analysis must be redone and production scaled back. The landfill has adequate ponds and holding areas for the volume of water produced during the testing, and if timed with watering the compost area in the summer, it doesn't cost CCL anything. It would also be a good time for CCL to put permanent meters on these wells. CCL, the County, and the neighbors need the data to evaluate the request for any expansion.

69. Well Data: Mitigation Measure EBF/MW#4. CCL, the County, the consultants, and the neighbors need well data and information about the well construction for all of the Weir wells. It is easy to get the depth. The perforated interval may be obtained with oilfield type feelers or cameras that could run down the short distance and see where the perms start. Use of a plumbing contractor's sewer inspection tool should be able to get to the bottom of the hole and give a video tape of the entire interval. The diameter can be measured at the surface; and as described above, Farm Supply or the company CCL uses to pull the well has historic production and well pump sizes. This information needs to be added to the EIR in light of the water demand on the aquifer.
70. Production Declines from PW-1 and PW-2. The EIR notes that the production from PW-1 well and PW-2 well has declined from 50 GPM and 8 GPM in 1986, respectfully, to 10 GPM from both of the wells in 2007. In light of the position that the aquifer is 1,687 acres, how does the EIR explain the decline without accepting my model as being correct?
71. Artificial Depression around #1 and #2 to Design the Subgrade. On page 9 of the Golder 2007 report, it states that pumping from the #1 and #2 wells has created an artificial depression not representative of non-pumping conditions. This is to address a point about the engineering design of the subgrade on the modules. This is correct; however, these wells will always be pumped. The older groundwater wells indicate that the historic potentiometric surface has been higher. This brings one to the conclusion that current levels should not be used to design subgrade, not that current levels should be used to design the subgrade. The historic information of the higher water contour level should be used for the design, because at some point, the wells will not pump and the water level may rise again.
- To me, this means that CCL, by way of a mitigation measure or good engineering design, should design the module subgrade as if the water table was 20'-30' from the surface.
72. Time of Measuring Groundwater Contours. The groundwater contours were measured on May 30, 2006. I believe this is a serious technical flaw. This is the incorrect time to measure and report this as the condition of the groundwater table. At this time, the rains had just stopped for the year and the true depletion of the water table occurs over the summer; that is when CCL states in the EIR that it may be pumping over 60,000 GPD during hot summer days vs. 35,000 GPD or less in the winter. The May 2006 readings were just after a very wet year; rainfall was 26.72" for the 2005-2006 year and 14.38" of rain had fallen in just the 96 days before the measurement. Using the hydraulic conductivity the EIR has assumed of  $2.3 \times 10^{-4}$  cm/sec and applying it vertically, the water would travel 0.65 ft/day. The water probably drops quicker because it is moving through the void space vertically under gravity vs. a horizontal pressure gradient being the driving force. In the vicinity of the #1 and #2 wells, with the surface elevation around 230' MSL and the water table around 190' MSL, a drop of water at the surface would reach the groundwater table in 61 days. All of the 19.18" of rainwater that occurred thru the end of March had reached the water table. The aquifer was filled up. This masks a water table depression under these conditions. The test needs to be in September or October, which represents the peak time when the neighbors would lose their water and would help determine the aquifer's limits. I ask that new data be obtained this year, on October 1, 2009, and it be compared with the 2006 results Golder has presented as being representative of the groundwater table. The lowest level of the two should be the worst

case presented. This would be a great time to also perform the pumping tests as it will really stress test the aquifer.

73. Old EIR Statements of Water Use Differ by 400% from what is being Used. The 1991 EIR evaluated that expansion as using 8,640 GPD of water (1991 EIR, Table ES-1, page 1-7). Now it comes out that CCL has been using an average of 33,000 GPD. In a Development Plan (D000281D) that was approved by the County in 2001, it did not address a 4 fold increase in water. This is a major impact. Looking at the water depression around the Weir wells, in hindsight it can be asked "why was this not addressed and why was that expansion given a negative declaration for this increase without informing the neighbors?" Because of the lack of public notice, and the lack of anticipating the impacts of this water usage as being significant, the neighbors take the position that this use of water can't be considered a pre-existing right that CCL has. Maybe the County erred up with the negative declaration, maybe the water use wasn't disclosed or understood by the CCL, it doesn't matter. Someone is at fault; there has been an impact, it needs to be addressed.
74. Removal of Water from Aquifer that wasn't Disclosed and Basin Recharge; Mitigation Measure EBF/WW #5. The operation of the composting took water that wasn't contemplated in the 1991 EIR and beyond the 1991 approval. The landfill must recharge the water basin with the 35 AFY \* 8 years of taking water, or 280 acre-ft of water to mitigate what it has done. With this mitigation measure, if the composting is moved, the water issue moves to insignificance. However, even after recharge, if the composting remains, it remains a Class I impact because the project continues to draw from a depleted basin.
75. Water Impacts- Full Potential Case. The Water Section has serious problems. As stated before, the landfill is only operating at a 685 TPD rate. The permit application is to operate at a 2,500 TPD rate.

The current water usage is based on this 685 TPD rate. The proposal is to increase the total capacity to 2,500 TPD from 1650 TPD. The composting is increasing to 450 TPD. The EIR has not stated the current volume of composting material handled. Assuming that it is 100 TPD, the water increase in composting doesn't go up 50% from 25,600 GPD rate to 38,400 GPD, it will go up by the ratio of  $450/100 * 25,600$  GPD, or 115,200 GPD. This makes composting demand be 129 AFY.

With the current evaluation technique, the EIR is evaluating the water usage at a  $100 * 38,400/25,600$  rate, or 150 TPD composting rate. That must be the permit limit.

Similarly, the water consumption by other aspects must be increased by the difference between the actual and the proposed permitted, not current permitted to proposed permitted.

The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1). Evaluating Water issues at anything other than what would occur at the maximum allowed permit capacity does not meet this requirement or purpose of the EIR. If this impact is evaluated at a maximum of 150 TPD rate, that must be the permit limit, not 450 TPD.

All impacts must be based on the worst case scenario

76. More Composting Rows Existing than Claimed. The EIR in many places states that the composting consists of 16 windrows and that each needs to be watered with 8,000 gallons of water/week. However, there appears to be a lack of factual reporting here. Google aerial photos from the spring of 2006 indicate that there were 17 windrows in service as seen in Figure 8. Photos taken on March 5, 2009 show there were 18 windrows at that time in Figure 9. This means that the composting operation actually uses more water than claimed in the report, an increase of at least 12.5% or 5 AFY. Water usage numbers should be increased to reflect this.





Figure 9- Photo taken March 5, 2009 showing 18 composting windrows

77. Lack of Adequate Usage Information- Water Meters; Mitigation Measure EBF/WW #6. A very significant amount of water has been removed. The volume is unknown. This EIR and CCL's disregard for the rights of others by getting this information jeopardizes the lives of the neighbors and their animals. Why there is no historical documentation of water usage has not been explained. Everything else at CCL is metered and recorded. Why was water not metered and recorded? Immediately, non-resettable water meters must be installed on all three of the Weir wells. This is similar to WR/mm#1, but it must apply to all three wells, and before the EIR is certified as complete; the data must be entered into the EIR's calculations.
78. Water Usage Exceedance at the Current Removal Level; Mitigation Measure EBF/ WW #7. Due to the fragility of the aquifer, anytime total water taken from the wells exceeds 42,900 gallons/day, averaged on a weekly basis, the well output is shutdown. Once the extent of the impact to the adjacent properties is determined, this level may be adjusted up or down. This must be monitored by outside individuals.
79. Potential Water Cleanup. From the initial study checklist, the EIR wanted the answer to the question, "Should the municipal solid waste leachate contaminate the aquifer, can it be 'cleaned up' to the point at which the groundwater and the aquifer could be used again for

domestic water supply purposes? What would be the estimated range of the total cost of the groundwater aquifer clean-up should such an effort be needed? Who would pay those costs and by what means? (Page 33, item 14) This was not answered.

80. Water Quality Monitoring; Mitigation Measure- EBF/WW #8. There are many monitoring wells around the site which are sampled periodically. However, at the time of monitoring, I am not sure whether a pump is run in the well to pump the water to the surface or if a sample bomb is lowered in the hole to get the sample. Either way, I do not believe that it is representative of the water moving offsite from CCL. There needs to be a localized piezometric cone around the well to collect a sample that is representative of what is flowing by. If one just takes a sample by a bomb method, there may be little difference between quarterly samples because there has been little, if any, flow across and through the wellbore.

To be more representative, the monitoring wells should each have a pump in them, removing some water continually. For instance, the well could be pumping at a continual rate of 1/2 GPM. This will create a depression cone around it and will suck in any leaching contaminants. The water produced could be used to offset production from the cone of depression around the Weir wells. And if no water is produced, it indicates that the monitoring well is in a bad location to see if any quality problems are occurring. It is suggested that this become a Mitigation Measure, along with the variations (if no water produced, move the monitoring well, etc.).

81. Summary- Current Demand. The following is a summary of the water demand issue, current day usage with the landfill expansion with the numbers as I have laid out above. Fugro's Table on page 19 is misleading; between current demand and future demand, there needs to be a column added for the current demand plus the water consumption as approved by this project for the Fugro and Morro columns. It is an increase of the 9 AFY.

Demand that will occur if Project is approved			
Consumption- Acre-ft/year			
	Fugro (Appendix G, page 19)	Morro Group (page V-231)	This letter
Landfill	35 (10%)	35 (10%)	129 + 12 (77%)
{Windrow + other uses}			
Residential	88 (26%)	37 (11%)	16 (9%)
Agriculture	203 (61%)	270 (77%)	26 (14%)
Total	335 (100%)	342 (100%)	183 (100%)

It is obvious that the effect of the landfill on the aquifer is much greater than contemplated by the EIR. It will be 77% of the demand on the aquifer. That is from one 209 acre parcel with the balance of 415 acres using only 25% of the water. And the aquifer is teetering on overdraft now before the 100 AFY increase.

The above table ignores the landscaping use of water.

82. Composting Effect. What really accentuates the numbers is the effect of the composting. It will take 92% of the total landfill demand and uses it for composting. Another way to look

at it, the composting operation comprises 70% of the total demand on the aquifer. This is to make garden dirt for the residents of the County at the expense of a few citizens of the County. This is too much in consideration of the need for water for the residents to live on.

83. Ultimate Build-out, Rural Residential Area. Fugro, page 18, states that there are 70 parcels in the area that will each contain 2 residences. This is incorrect. First, with the revised aquifer area, the number of parcels is 30. The ultimate build-out water demand would be 26 acre-ft/year.

If the consultants do not agree with the revised aquifer, then there may be another error in the Appendix G, page 18 assumptions. When the Tiffany Road area was subdivided, one of the residents told me that one of the conditions on the split or as part of the CC&R's was that only one residence was allowed per parcel. The ability to have a second home in Fugro's assumption may be a bad assumption.

84. Agricultural Demand, Ultimate Build-out. In the maximum build-out case (Fugro, Page 18) Fugro states that conversion from fallow land to vineyards is expected for much of the study area. This statement is incorrect for all of the reasons previously given. There is no water. With no water, there can be no conversion. Just because it is zoned Agriculture, does not mean conditions are present for growing crops. No water means no vineyards or row crops. Therefore, the assumed increase in demand of 550 acre of new vineyards increasing demand by 660 acre-ft/year is wrong. The balance of the paragraph is just wrong. The ultimate build out will be agriculture land that is dry farmed or cattle farmed. The ultimate demand from agriculture will be exactly the same as it is now. There will be no change.

85. Surplus Water from Corbett Canyon Vineyards. The EIR states in the Fugro section that CCL has reached an informal agreement with the Vintage Wine Trust to purchase water from its wastewater ponds. It goes on to state that water from the Trust could decrease demand from on-site groundwater operations by 2 acre-ft/year.

The consultants need to independently check this information. My discussions with the winery operations dispute the claim that there are 650,000 gallons/year of wastewater. First, the vineyard is an operating winery; it primarily uses the water to clean its tanks. Its operations people guessed that the annual wastewater it generates is closer to 20,000 gallons/year (0.6 AFY) than 650,000 gallons/year (2 AFY). Considering the waste water is the result of cleaning a limited number of wine tanks, which is only a limited number of times/year, I have a hard time believing that they could be using an average of 2,000 gallons/day of wastewater (the 2 AFY figure).

Second, the property recently sold to some independent wine makers. I understand that now Talley Custom Viticulture Services manages the vineyard portion of the property. They may know nothing of this informal arrangement and may not be consenting to it.

Please provide documentation that both the volume available is correct, available all year round, and that the new owners are in agreement with selling the water.

As this is a key element of CCL to meet water demand, independent verification is necessary.

86. Summary- Ultimate Build-out. The following is a summary of the water demand issue, ultimate build-out usage. (Note, the Morro Group numbers don't add up; it appears the figure from Fugro was copied over incorrectly).

	Future Consumption- Acre-ft/year		
	Fugro (Appendix G, page 19)	Morro Group (page V-249)	This letter
Landfill	44 (4%)	44 (4%)	141 (73%)
Residential	102 (10%)	51 (4%)	26 (13%)
Agriculture	863 (86%)	1,170 (92%)	26 (14%)
Total	1,009 (100%)	1,265 (100%)	193 (100%)

Again, it is obvious that the effect of the landfill on the aquifer in the future is much greater than contemplated by the EIR. It is 73% of the demand on the aquifer compared to 4% of the consultants arrived at. Again, composting is the major user of water.

The above table ignores the landscaping use of water.

87. Gross Water Balance- Current Usage. The following is a summary of the different infiltration and outflow, current day usage, after approval of the expansion.

	Current Gross Water Balance- Acre-ft/year		
	Fugro (Appendix G, page 23)	Morro Group (page V-232)	This letter
Precipitation	373 (92%)	350 (90%)	89 (95%)
Irrigation	31 (8%)	41 (10%)	5 (5%)
Total inflow	404 (100%)	391 (100%)	94 (100%)
Pumped outflow	(326)	(342)	(171)
Net change	78	49	(77)

This means that with the approval, almost twice as much water will be taken out of the aquifer than is going in. Also, 95% of the inflow is dependent on rain and the pumped outflow is going to occur irrespective of rainfall.

This is supported by current data. In the current mode before the increase in demand of about 100 AFY by the compost expansion, because of: 1) the depleted wells; 2) the depression zone around the Weir wells; and 3) wells going dry in the area of the Weir wells, this leads one to the conclusion that the total infiltration from precipitation as predicted in this letter is close to correct. This makes this another Class 1 impact.

88. Current Overdraft Condition, Shut Down During Limited Rainfall Seasons- Mitigation Measure EBF/MW #9. Based on the above point, the current aquifer is in overdraft. The amount of water the landfill proposes to take is enough for 266 residences. The Negative Declaration of 2001 was in error. The residents had no chance to comment upon that

expansion. That expansion was not vetted properly and it was based on incorrect assumptions and data. There are probably liability questions.

The assumptions on what is available via inflow hinges on the assumption of the volume of rain, the amount that reaches the aquifer and the size of the aquifer. One of the most significant factors is the amount of precipitation. The study the infiltration percentage is based upon stated that in areas with native vegetation, if rainfall was less than 17 inches in the year, no water reaches the aquifer. The EIR numbers are based on 22.1 inches of rain per year at the SLO airport.

Very little rain comes after March 31, only 1.84" of the average. Therefore, statistically, if on March 31, there has not been 15.16" of rain, the odds are that the bare minimum to allow recharge will not be reached and the area's demand is only going to be satisfied by 5 acre-ft of inflow, the crop percolation.

The mitigation measure proposed is that if on March 31 of each and every year, if the rainfall total at the SLO Airport is less than 15.16", then CCL immediately ceases all of the composting operations until December 31 of that year, a period of nine months. With this, the landfill will not be taking scarce water out (that wasn't EIR'd) that is necessary for residential pre-existing uses. The reduced demand at a rate of 129 AFY (which during the summer goes up) will not occur, and when December 31<sup>st</sup> rolls around, 7.19" of rain would have dropped and maybe start to recharge what was taken out in the previous year in the period up to March 31<sup>st</sup> by the landfill. Even with this, the water still remains a Class 1 unmitigated impact.

89. Gross Water Balance- Future Usage. The following is a summary of the different infiltration and outflow, future usage.

	Future Gross Water Balance- Acre-ft/year		
	Fugro (Appendix G, page 23)	Morro Group (extrapolated)	This letter
Precipitation	373 (74%)	350 (67%)	89 (95%)
Irrigation	129 (26%)	1,170 *.15 {176 AFY} (33%)	5 (5%)
Total inflow	502 (100%)	526 (100%)	94 (100%)
Pumped outflow	(1,009)	(1,267)	(181)
Net change	(-507)	(-741)	(-87)

By the EIR's numbers, the future demands would deplete the aquifer in a matter of years. By my numbers, the aquifer will be depleted in a matter of years. This supports the mitigation measure of an eight month shutdown when the rainfall doesn't occur. It also supports the other mitigation measures requested.

90. Relocated Composting Operation, Mitigation Measure EBF/WW #10. The composting operation takes 91% of the water for the landfill, 129 AFY. This mitigation measure is that the composting operation be moved from the CCL site to an area that has excess water

available, such as the Ontario site which can recycle unlimited water from the SLO wastewater treatment plant. My understanding is that the SLO treatment plant produces about 1,000,000 gallons of water per day. Using this water would be a beneficial reuse of a waste. The compost operation's maximum demand in the summer of 60,000 gallons/day would not even be noticed. The benefit of this option is that the composting operation is closer to the people who produce the compost for recycling, reducing traffic and air emissions, and it would be closer for those who actually use the product, reducing traffic and air emissions. There is no nexus between the CCL location for composting and either the landfill filling or the recycling operations that requires them together. The composting was put here just because it was convenient. With this mitigation measure, water use becomes an insignificant impact.

91. Residential Demand, Mitigation Measure EBF/WW #11. For this mitigation measure, if the groundwater is depleted, it will be for the next 34 years (1-1/2 generations), CCL will be required to make all residences in the aquifer whole, that is, get them the water they need, at whatever cost, and in the volume each needs. With this mitigation measure, water use becomes an insignificant impact.
92. Better Aquifer Description, Mitigation Measure EBF/WW #12. The drawdown impacts the adjacent Darway wells, as a minimum. The testing did not encircle the outside of the property; it only has been postulated to near the boundary. The mitigation measure would be that a better and reliable aquifer description is made. This would be done by shutting down the Weir wells for one or two years, accurate rainfall, stream inflow and outflow measured, and the change in the aquifer buildup is determined. In the time the Weir wells are shutdown, the landfill can truck the small bit of water in (peak 6-7 trucks/day, rainy season, 0 trucks/day. If the test shows significant buildup (season and rainfall adjusted), then the Weir wells would need to be limited to an appropriate level.
93. Impact of Landfill Leakage. From the initial study checklist, the impact of landfill leakage on groundwater quality in the vicinity of the landfill was not presented (page 32, item 9). In other words, if the landfill were to leak, what would happen to the neighbors to the west who get their water from the shallow water that would be contaminated? If they are contaminated, does CCL mitigate the problem by providing clean water to the residents? Do they put in a whole house reverse osmosis system for each one? How is this identified, what are the thresholds of exceedance, and what will be done if it occurs? What is the mechanism?
94. Readability of Maps. Plates 3-8 of the Fugro report are unreadable in the text because the original drawings were color and the contrast does not stand out. On Plate 4, the well locations do not stand out. This makes it impossible to determine what it says or if any of these drawings are correct, because you can't read them. In the black and white copies of the EIR, all Plates are pretty unreadable. Please figure out a way to correct it.
95. Discrepancy between Golder and Fugro Reports on Hydrographs. The groundwater hydrographs data from the Fugro report, Appendix G, Plate 5, conflicts with the plot shown in the Golder report, Figure 3, which was Fugro's basis for its report. Wells number P-10, P-11, P-12, P-13, P-14, B-1, and B-2 are shown on the Golder report, but missing from the Fugro report. Pismo formation wells P-2, P-3A, P 3B, and P-7 are not shown on the Golder report, but they show up on the Fugro Report. Wells (Fugro report) P-3A and P3B

are Monterey wells based on the geologic maps. The plots need to be checked that all data is included, and that it is included in the correct geologic formation.

96. Groundwater Hydrographs Scale. I like the way Fugro separated out the Pismo Formation data from the Monterey formation. Both reservoirs act very differently. However, Fugro compressed the vertical scale, which makes it difficult to see the downward trend in levels.
97. Differing hydrograph data and presentation. The EIR is presenting the Golder and Fugro reports on the hydrographs. In the 2007 Semiannual Water Quality Monitoring Report prepared by RMC Geoscience, Figures 3-17 show the groundwater elevation changes with time. It would be clearer if the EIR would present them in the manner RMC presents it and updated with the data from 2007, 2008 and the first part of 2009. When looking at these plots vs. the Golder/Fugro plots that are unreadable, a clear trend of declining groundwater since 2001 or so in the Pismo aquifer wells towards the Weir wells is apparent. Please add these plots in this format, and described each as a Monterey well or a Pismo well.

Looking at these plots and as described by RMC, wells MW-1, P-7, P-1A, P-1B, P-6, and P-8 are screened in the Edna member of the Pismo formation. Then looking at the individual plots, MW-1 (Figure 3), P-1A (Figure 7), P-1B (Figure 8), P-6 (Figure 14), P-7 (Figure 15) and P-8 (Figure 16), all have obviously downward trends. The exception is P-1A which has a sudden jump up starting in 2004; however the well right next to it, P-1B has the normal downward trend. Both wells are next to the leachate collection facility, so could something be amiss with that facility percolating water to the P-1A well as P-1A is shallower than P-1B?

Both Golder and Fugro leave the impression that everything is stable, but this RMC data clearly shows otherwise. I think Fugro's and Golder's conclusions should be revised.

98. Groundwater Hydrographs. The data is only plotted by Golder and Fugro through about January, 2007. That is over 2 years ago. In the case of the monitoring wells drilled since 2005, this would double the data to be displayed. This needs to be added and the plots brought up-to-date.
99. Theis Study Applicability. The Theis model has many limitations, and they are touched on in the report, but should be looked at closer. Keith Miller of the Morro Group sent me the backup data supporting the Theis statements in the Fugro report. A minor problem, but still a problem, on page 4 of 4, it has the spreadsheet drawdown summary used to generate the plots of theoretical distance drawdown. There are 2 wells shown, the #1 and #2 wells. They both are shown with the same transmissivity. It is bad enough that a well test wasn't used to determine the hydraulic conductivity for the wells (Golder used P-1B data), these wells are producing and it would not be difficult to get that data, but each has a different interval open and the T factor cannot be the same.

For well #1, the surface elevation is about 270'. The well is 186' deep. This makes TD 84' MSL. The water level as determined by the monitoring well P-12 shows the water at 184' MSL. This gives 100' of thickness, not 116' as used in the T factor derivation. I think the correct T would be 490 gpd/ft.

For well #2, the surface elevation is about 230'. The well is 156' deep. This makes TD 74' MSL. The water level as determined by the monitoring well P-12 shows the water at 184'

MSL. This gives 110' of thickness, not 116' as used in the T factor derivation. I think the correct T would be 539 gpd/ft.

The sample calculation on page 3 has an even different number for T.

Both these changes should make the drawdown increase. Also, the X-axis plot for well #2 needs to be extended to 400'

100. Depth of Well P-1B. What is the depth of P-1B? I think a table should be added showing the key characteristics of all of the monitoring wells, such as surface elevation, depth of well, and open interval. P-1B is used for determining the hydraulic conductivity, but if it is a shallow well and the interval used to determine the conductivity during a pump test was materially different than the one in the Weir #1 or Weir #2 wells, the assumption of using it as similar characteristics may be a replacement is a bad assumption.
101. Current Project not Approvable. Under the original EIR, the landfill was going to close in 2000. Now, 9 years later when the true issues of water come out, it is obvious that if the original project were submitted today with the correct data, it would not be approved. A strong statement to that effect needs to be added in the executive summary of the EIR.
102. Notice of Condition of Water Table to Neighbors, Mitigation Measure EBF/WW #13. Because of the impact of groundwater usage on adjacent parcels, as part of the annual letter sent out about picking up litter to all adjacent parcels, CCL should include data and an independent report and analysis by a licensed hydrologist of the status of the aquifer describing changes, levels, monitoring results, amount of water taken by CCL, amount imported from outside, condition of the aquifer, etc. The report should obtain data from adjacent wells within 1 mile of the property boundary and incorporate that data in an updated groundwater contour map showing pressures and deliverable volumes of water. If necessary to make this report complete, CCL shall install monitoring wells on adjacent and nearby properties to be able to get accurate reliable data.
103. Maybe I am Mischaracterizing the Aquifer, Mitigation Measure EBF/WW #14. The consultants may believe that I am mischaracterizing the aquifer and will cite their credentials as justification. I have no problem with this. If they don't believe my numbers or characterization of the aquifer, then they will have no problem with this mitigation measure because it will never be implemented: If production is lost in any well anywhere in this EIR's hydrogeologic study area of 1,687 acres, CCL must reestablish long term water production volumes in that well to what was available via the first pump test on that well, or supply water to that level (possibly by importing State water), whatever the cost, whatever the method. With this mitigation measure, water usage becomes an insignificant impact.
104. Alternative to above Mitigation Measure. The consultants may say the aquifer does not perform as I portray it, the extent they portray it is correct, and that the recharge is not what I have shown. Fine. If that is the case, I am willing to put my land and aquifer where my mouth is. Because of the localized depression by the Weir #1 and #2 wells, I offer that CCL must drill its water source well anywhere on my parcel, APN 044-171-008 and that well is the only and the total water that the CCL can use for its operations. I will even go so far as to offer free electricity from my solar panels to operate the well. I will give them a free right-of-way to run their water lines anywhere. Can't beat that offer.

105. Less Impacting Location Developed, Mitigation Measure EBF/WW #15. Water is a major, major Class 1 impact that cannot be mitigated to insignificance without drastic measures along with those already proposed by the EIR. As such, we propose this mitigation measure. If an alternate site at a location more than 2 miles from the existing landfill is proposed for a project for the composting ("New Project") by any entity and an application is submitted for its development and is approved by the County, the CCL shall, immediately upon the startup of the New Project, quitclaim the franchise agreement and all other agreements of any kind with all parties, governmental and private to accept any composting material of any kind, transfer 100% of all of those rights without charge or retained benefit by the CCL to the New Project, and immediately proceed to abandon the composting operation within 15 days of startup of the new facility. In the process of developing the New Project, CCL shall provide all information with regards to direct and indirect income and expenses of the existing composting operation the entity requests and upon startup of the project, all revenue sources shall be assigned to the entity. All assignments shall be at no cost to the New Project and shall be on similar if not identical terms, except for the rates the New Project charges for taking the material. CCL shall not in any way hinder or impede the New Project and shall be subject to direct, consequential, and treble damages if it does.

This mitigation measure makes the water matters dealing with composting from a Class 1 impact to insignificant, but only once it is exercised. Until that time, it remains a residual Class 1 residual impact.

106. Groundwater Quality High Levels of MTBE, benzene and VOC's, Mitigation Measure EBF WW #16. The EIR is moot on the groundwater quality. RMC prepared a report titled Groundwater Monitoring Summary Report dated May, 2007, Fugro listed it as a reference, and Fugro included Table 3-2 from that report in Appendix D. In that table, it shows during the last 2 years MTBE levels have been 67 and 40 ug/L, respectively. Benzene has ranged up to 13 ug/L in 2003 and was 2.5 ug/L in 2006 and total VOC's for the years 2001-2006 range between 73.5-137.8 ug/L. These are water tests made in a drinking water aquifer. MTBE is a man-made compound. The others may not be man-made, but they had to come from the landfill.

It is my understanding that the State cleanup level for MTBE is either 0 ug/L or 5-7 ug/L depending on who you talk to; for benzene the cleanup level is 1 ug/L.

With these levels, why wasn't a cleanup program recommended by the EIR? Why has one not been required by RWQCB? If this level was found at a gas station, they would have to be doing a pump and treat cleanup or some similar program to get rid of the compounds. Why has this not been addressed? If the answer is that it is below the threshold level, please provide a table from RWQCB showing the threshold level for cleanup for each of VOC's.

I believe that there needs to be a mitigation measure requiring CCL to pump and treat or do whatever is necessary to get rid of these VOC compounds down to State standards. Also, all of the surrounding drinking water wells within 1 mile need to be tested for these compounds to see the extent of the contamination.

Also- how will the pump and treating this water impact the groundwater table?

107. Landfill in Violation of Existing Permit for Closure. Page 29 of the Fugro report under the Monitoring and Maintenance of Landfill Caps states that the WDR required that the Closure and Post closure Plan was to be submitted by August 18, 2006. It goes on to state that the CCL has not done so in anticipation of acceptance of formalized expansion plans. RWQCB considers CCL to be out of compliance. That's kind of cocky, don't you think?

It is 2-1/2 years after this Plan was to be submitted. CCL has no idea if this expansion will be approved, and there may be a good chance that it won't or CCL won't be happy with the mitigation measures that they will have to operate under.

This needs to be called out in the summary on page III-28 that this has not been done as it gives an indication of how CCL's management regard the rules and conditions that government imposes. There is no reason for them to wait, this adds another Class 1 impact to the table, and it is not mitigated to less than significant when submitted, because it hasn't been done. Before this EIR is certified, that Plan has to be submitted and approved for the permit they have now.

I would like to see the complete Plan in the revised EIR.

108. Comments Apply to all Documents. While these comments may be directed towards the Fugro or Golder reports, they also apply to the portion written by the Morro Group, when the Morro Group cites the other reports or uses that information to arrive at a conclusion or mitigation measure.

#### Noise

109. Background on Noise Issues. There are currently continual problems with noise and the landfill that the landfill never addresses. One glaring instance deals with the resource recovery facility. Either by condition or by an agreement with the neighbors, it is the neighbor's understanding that CCL was to keep the doors of the MRF closed, and opened only to let trucks in and out, then closed again. This is to keep that noise contained. It is not being done.

Figure 10 is a picture from Google Earth taken around January, 2006. Clearly, all of the doors are open. Figures 11 and 12 are pictures taken March 4, 2009, again all doors are open. Neighbors are frustrated. They are told and promised one thing, and performance by the landfill is lacking. That is why the mitigation measures must be clear, tight, and with an enforcement side that is so strict and punitive, that voluntary compliance will be assured without the neighbors having to watch over operations.



Figure 10, early 2006



Figure 11



Figure 12

The landfill may state that there was a truck entering or leaving at this exact time, but what are the odds that it has occurred just when the satellite is flying over snapping the Google shot? The open doors are shown on all 4 Google views (save 1 door on one shot), all

taken at different times. And what of the neighbor's continued comments of the doors being open? Being a good neighbor on this matter doesn't seem to be the mode of operating. I drove over and spot checked a few days ago and the doors were open.

110. Composting Operation and Noise Study. The testing done for noise is questioned. First, Figure V.I.-1 shows a noise monitoring station at location #2, on the property line with the Darway's. According to Mr. Darway, that monitoring site was not there. He was there when the noise monitor showed up, he saw the one labeled #1 on the Figure V.I.-1 and the location #T-2, but emphatically claims there was not one put at location #2, by his residence. We have a conflict here, and it may be a moot point based on the next point, but what proof can the noise monitoring company provide to show that the monitoring site was there? Do they have pictures? The neighbor believes that the station was not there as claimed.

My understanding is that most agencies require data documentation when sound measurements are made, recording the time, date, and location, the noise source, wind speed and direction, temperature, humidity, equipment information, field calibration results, monitored levels and a site sketch. I assume they were prepared for this survey. Please include them in the revised EIR.

111. Date of Study and Lack of Full Operation Going. We appreciate that the noise monitoring company was there on March 27-28<sup>th</sup>, 2008 doing its measurements and that this is a time that has to be scheduled in their otherwise very busy schedules. But on that day, by their own statements, the tub grinder was not on site and by proxy; it used a measurement from Visalia. That tub grinder by itself is the second noisiest, with a reading of 81.0 dBA at 100'. The other noisy part of the composting, the row turner, is 84.2 dBA at 100'. Again, Mr. Darway states that the rows were not turned during those monitoring days. This makes all of the measurements flawed. Therefore, the noise study made was not representative of normal operating conditions. The neighbors believe that a new noise study should be made with the tub grinder and row turner operating, as the noise from the two is additive. The EIR has a fatal flaw without it. To make sure this is done, the neighbors want to know in advance when the replacement measurements are taking place so that they may witness them and weigh in on if the operation's sound is representative and that certain parts are not shutdown to influence the outcome. Performing the study again is the right thing for the CCL to do.
112. Failure of 2001 Expansion Permit to Recognize Noise Impacts. When the 2001 approval to expand the composting area was made (D000281D), noise was not even mentioned or addressed in the Negative Declaration. As with water, this is a serious failing. This is a major impact. Because of the lack of public notice, and the lack of anticipating the impacts of this noise as being significant, the neighbors take the position that it needs to be fully addressed now and can't be considered a pre-existing right that CCL has. Maybe the County erred with the negative declaration, maybe the noise wasn't disclosed or understood by the CCL, it doesn't matter. Someone is at fault; there has been an impact, it needs to be addressed.
113. Limit on Time of Use, Mitigation Measure EBF/NO #1. The landfill is a noisy operation, especially the composting. While a noise meter may not record the peaks due to the nature of the human ear and how the meter works, it is very disturbing, even for short times. There are two types of noise, natural noise like the wind blowing, background talk

or road noise, and then there is man-made, rough noise. That is what the neighbors hear now. It is more than distracting; it is an infringement of our personal space. To open the landfill up from 7:00 till 5:00 PM, vs. 8 AM till 3 PM, is a significant difference. A proposed mitigation measure would be that outside of the 8-3 PM time frame, composting operations would be limited to only accepting the compost. No activities working on the windrows or with the product would be allowed.

114. Relocated Compost Area, Mitigation Measure EBF/NO-#2. The compost area is being relocated to the top of the hill. It may be a better location because it is further from the residences along Carpenter Canyon, however at the elevated location; the noise will travel further and will be heard by the residents at Edna Valley West, Edna Valley East, in the Tiffany Ranch area, at Corbett Highlands, and elsewhere as there are no barriers to reflect the noise. The EIR has a condition to build a 10-25' dirt berm at the top isolating the composting area (also in NS/mm-1). The noise will just roll over that barrier as it does at my residence, noise receptor #9, right now. I am separated by 2 hills and we hear the noise on occasion when the trucks and equipment is operating on the top deck. The composting will now be 1,100 feet closer. As opposed to just a dirt bank, there needs to be a solid steel, noise insulating surface with the old ceiling type material with holes in it installed all around the composting area to absorb the noise to a height of 20 feet, possibly angled inward, and then baffles added for the truck entrance road. The windrows are 7 feet high and the equipment turning and grinding the material is higher, justifying the height. Noise bends. Even with this mitigation measure, it would remain a Class 1 residual impact.
115. Successful efforts required for all noise generating activities. There needs to be a standard of effectiveness spelled out in the mitigation measure. It needs to state that the noise level must be mitigated to less than 50 dBA at the property boundary or anywhere beyond the property boundary. For instance, the noise from the operation may be 70 dBA 100' from the source, and the property boundary may be in a hole behind a 15' berm so the reading is less than 50 dBA. However, an elevated location that can look over the berm that is 3200' away would have a reading of 54 dBA (if it were a line source). That is a violation. It needs mitigation, whatever the cost.
- In addition, the resident must be contacted before the measurements are made to confirm that the noise present at that time is the normal noise. The measurements cannot be made when there are sustained winds or precipitation.
116. Performance Based Noise Mitigation, Mitigation Measure EBF/NO-#3. All noise mitigation measures need to be performance based as opposed to action based. If the barrier doesn't work, CCL is not off the hook. They need to do whatever is necessary to get rid of the problem. This needs to be clearly stated as a Mitigation Measure.
117. Correction. MS/MM-7 impact is not listed in Table II-2, the Class 1 impacts.
118. Noise Impacts, Page V-202, SR #1 & #2. The statement that noise impacts will not increase at these locations is incorrect. The landfill's permit is that it will close in 2015. Any noise that occurs after that time is an increase.
119. Noise Impacts- Full Potential Case. This Noise issue only addresses the moving of the composting and a little about the noise at the boundary from the existing operations. But

the landfill is only operating at a 685 TPD rate. The permit application is for it to operate at a 2,500 TPD rate. The Noise section hasn't addressed this.

For instance, in composting, the EIR has not stated the current volume of composting material handled. Assume they are taking in 100 TPD of raw material. The noise levels measured now and the frequency of the noise events are based on that level of 100 TPD. CCL wants to increase the input level to 450 TPD. This means it will have the right to handle 450% more material. If right now they need 1 compost turner and 1 screen that operates 2 days a week for 9 hours/day, (18 hours/week), then by extrapolating, it means that for the requested throughput level, they would need 4.5 times this, or 2 of each of the units operating every day, 8 hours/day. The noise impacts, based on the additive nature of the dBA measurement would increase from about 86 dBA to 96 dBA.

In the case of the landfilling, right now they cannot be filling at the permitted rate of 1200 TPD. They are filling at the 685 TPD rate less the composting (assumed 100 TPD), less MRF recovery (assumed 140 TPD) less RRP (assumed 50 TPD). This makes the filling rate (when one doesn't have the data from the landfill for the correct numbers) close to a 395 TPD rate. The noise from this level is as you describe. However, the action by this permit is that the noise level could be based on a 1200 rate. With a 300% increase in material, won't that require 300% more compactors, scrapers, bulldozers and all? So shouldn't the noise from that potential be reported?

The entire Noise section needs to be reworked because of this flaw.

The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1). Evaluating Noise issues at anything other than what would occur at the maximum allowed permit capacity does not meet this requirement or purpose of the EIR. If this impact is evaluated at a maximum of 685 TPD rate, that should be the permit limit.

All impacts must be based on the worst case scenario.

120. Transfer Site, Mitigation Measure EBF/NO-#4. Noise numbers cannot describe how bad it is when the beeping, backing, grinding, moving, etc. is going on for 7 hours/day (generally working hours 7:30 AM till 4:30 PM), much less with an expansion to 15 hours/day, till 10 PM. This is unacceptable. I recently saw a transfer station in Portland, Oregon; there are 2 stations to cover a population base of over 1,000,000 people, covering an area about the size of SLO County. Everything was in enclosed buildings, there was little noise outside, it was much more efficient than CCL, and was probably operated for a lot less than CCL. All impacts were less, it was obvious. The landfill portion needs to be converted to a transfer station. Then the noise impacts are mitigated to a level of insignificance. This should be a mitigation measure because it reduces the impacts and is technically feasible.
121. Relocated Composting, Mitigation Measure EBF/NO#5. The composting is the bulk of the volume of noise, especially when turning the windrows. Again, there is no reason that the composting needs to be done here. There is no nexus between the composting and the trash and the recycling. They are all separate stand alone operations. I ask for this

Noise mitigation measure for the composting; that the composting be moved to an area without neighbors where the noise can be muffled by surrounding hills.

122. Closed Doors for Recycling Operation, Mitigation Measure EBF/NO-#6. The noise from the MRF and the long hours are not being mitigated. I suggest a mitigation measure be that the doors are to be converted to automatic doors that open automatically when a truck arrives or leaves and closes automatically behind it as it enters or leaves. The closing must occur within 30 seconds of the passage of the vehicle. If the doors are disabled or inoperable for any reason, the recycling operation must totally shut down to eliminate the noise until they are repaired.
123. Addition of Cooling System in Recycling Operation, Mitigation Measure EBF/NO #7. The justification the neighbors have heard about the doors being open is to cool off the interior of the building even though CCL has fans on the building. This noise mitigation measure would be that before any expansion, CCL must install positive air conditioning for the building with those air conditioning units in a sound proof building.
124. Installing sound insulation in MRF building, Mitigation Measure EBF/NO#8. To help dampen the sound emanating from the MRF building, sound insulation must be installed in the building.
125. Turn off Beeping for Onsite Vehicles, Mitigation Measure EBF/NO #9. One of the more irritating noises that I doubt is not picked up by the noise meters is the irritating beeping of trucks and equipment backing. I hear it and we are 3,000 feet away. I propose a mitigation measure that all onsite vehicles and equipment (anything with a beeper or sound alarm) owned, leased, or used by CCL have the beepers disconnected and replaced with a rotating light.
126. Turn off Beeping for Offsite Vehicles, Mitigation Measure EBF/NO #10. The onsite vehicles and equipment are one source of the beeping; offsite private vehicles also have this feature. This mitigation measure would be that CCL has to require that any vehicle/equipment entering the property on a regular basis (more than once every two weeks) has to have the ability to disconnect the beeping feature and that it must be disconnected upon entry.
127. Enforcement, last Two Mitigation Measures. As to enforcement on these last two measures, because this violation is fleeting and to insure compliance when the monitor is not around, the EIR should state that two neighbor's complaints of hearing one beeper would be substantial and complete proof for a court of law that the condition was violated. Because this would occur because the weigh station operator was not doing their job, after 3 violations, CCL would be required to hire second person to stand at the weigh station during all hours that the weigh station was open to independently verify on every vehicle entering that the beeper has been disconnected. This may sound extreme, but you don't have to live with the noise continually. Once a truck is retrofitted with a \$1 toggle switch and indicator light, probably at a cost of \$25 or so per truck, it will not be an issue.
128. EIR Noise Impact NS#3, NS/mm-6, Open SW Side of RRP Facility. The EIR states that the RRP needs to be enclosed, but the SW side can be open. No. The RRP needs to be totally enclosed. It is done elsewhere with less space and handling more waste. The southwestern side is the side pointing towards all of the residents along Carpenter Canyon.

There is no reason to allow one side open, especially when the consultant states that the impacts would still be significant and unavoidable. Close the side.

129. EIR Noise Impact NS#3, NS/mm-6, Expand to Apply to Composting. This mitigation measure only applies to the RRP. It should also apply to all of the composting operation. That is where the noise is coming from. When on top of the hill, the noise will travel further and to more residences.
130. No mitigation measure but Class I impact reduced to a Class II impact? NS Impact 2, Page V-205. The page before just had a big write-up that SR 8-11 are the same distances from the new composting area as SR 2 through 6 are, resulting in noise levels of 55-60 at the residences and higher at the property line (delete the word "probably", it will be higher). Then it states this exceeds the County's 50 dBA standard. The mitigation proposed is the 10-25' berm on the top deck. As with the comments on NS Impact 2, the height of the berm or whatever is done doesn't matter, it is the success of the measure. Under this mitigation measure, ones similar to NS/mm-1, 2, and 3, need to be added with the follow-up of required onsite testing. There needs to be a standard of effectiveness spelled out in the mitigation measure. It needs to state that the noise level must be mitigated to less than 50 dBA at the property boundary or anywhere beyond the property boundary. In addition, measurements need to be made along the property line for each adjacent parcel and the resident contacted before the measurements are made to confirm that the noise present at that time is the normal noise.
131. Noise at property line, new composting operation, Page V-201-205. This write-up seems to be missing something. For the composting operation, there are multiple noise sources that operate at a time, the row turner (84.2 dBA @ 100'), Grinder (81.0 @ 100'), trucks & loader (44.5 @ 1,100'). Adjusting the truck & loader distance to 100' makes its noise about 65 dBA. The combined noise, as discussed on page V-209 would be 86.6 dBA.

Then as one moves away from the source, this source would be more of a line source than a point source (because of multiple pieces of equipment operating at the same time), the dBA level drops 3 dBA per doubling of distance. So at 200' it would be 83.6 dBA, 400' it would be 80.6 dBA, at 800' it would be 77.6 dBA, 1600' it would be 74.6dBA, 3200' it would be 71.6 dBA.

This makes the noise level at Tiffany Ranch, over a mile away, a noise level of 68.6 dBA. At Corbett Canyon Vineyards it will be noisier outside the building than inside the offices. All the way across the Edna Valley to Edna Valley East, Varian Ranch, and Corbett Highland the noise will be heard because it is a direct line-of sight. The residents down Carpenter Canyon on the hill would be looking down into the berm area so would have no shielding effect. The noise there would be the uncontrolled 68.6 dBA.

If you wish to consider it a point source, the same relationship applies, but at the property line for APN 044-171-008 (800') the sound level would be 68.6 dBA. So the range is 68.6-74.6 dBA. At best this is the noise level in a business office and the worst case Heavy Truck Traffic. The County limit is 50 dBA, the noise level of a library.

It seems the author of this section is downplaying this noise issue dramatically. Every possible mitigation measure must be adopted for the composting to get the noise level

down to 50 dBA at the nearest property boundary or anywhere beyond the boundary and the success of the mitigation measure must be result based. The mitigation measure must state clearly that upon startup, a noise survey must be made within 2 weeks and results issued within 4 weeks. If the noise is greater than 50 dBA anywhere (this covers those properties looking down in the pit), not necessarily on the property line, the composting operation is shut down completely until the problem is fixed, if it means designing, permitting and constructing a building and it will take 18 months, so be it. They have been told it will not work now, if they choose to ignore it, it is at their sole risk.

There is no question in my mind, if the composting is to be on the top deck, it will need to be in a soundproof building.

132. Existing Noise levels at residences on the North and East. Brown Buntin Report, Page 12, last full paragraph. The paragraph states that existing homes on the north and east are already potentially affected by noise levels of 55-60 dBA due to their proximity to the existing landfill. This is an incorrect statement. I live on the east side of the landfill and we rarely hear anything except when dirt is being moved at Stockpile 3, and then it may be 40 dBA if it were measured. Please delete the statement in the report. It would have been nice if on their field trip they had stopped by and spoke with us before drawing this conclusion. Continuing on to the next page, it takes that faulty assumption and says it will not cause noise levels to increase at our homes so noise mitigation is not required. Wrong. And the criterion is not the home, but the property boundary.
133. Noise Screen at Module faces- Mitigation Measure EBF/NO #11. There are noise impacts from the landfilling that are not being mitigated and the residual impact remains a Class 1 impact. I propose that the landfill make up a series of portable 16' high walls (height based on line of site to the residences) with noise insulation that would be put in place to shield the working surface operations from the receptors. They may be 100' long, each unit maybe 12' wide, they can be texturized and painted on the exposed side to blend in aesthetically, and being portable, easily relocatable as the operations move. This would reduce the noise, maybe not to a Class 2 impact, but some reduction would occur. It is like a portable temporary building moving along the module.
134. Extended hours of operation- MRF Processing, Mitigation Measure EBF/NO #12. It is proposed that the MRF facility be allowed to process the material until 10 PM. This is too long. The facility is too noisy and efforts by residents to quiet the operation have been unsuccessful. Extending the hours should be conditional. If after all of the noise mitigations proposed are incorporated and if the noise from the facility goes down, then, and only then, should the hours be extended from 7:30 to 4:30 PM. Getting into the evening hours is when the residents are home and it is quiet time. With CCL leaving the doors open, this noise will travel and be more impacting and bothersome.
135. Extended hours, Disposal Area, MRF, Composting, and Resource Recovery Park, Mitigation Measure EBF/NO #13. Extending the hours should be conditional. After all of the mitigation measures have been implemented, and if the noise is reduced, then, and only then, after a public hearing and public input, should this be allowed. They are too noisy now, they have not done anything on their own to reduce the noise or respond the neighbor's complaints, there is no reason this is granted in contemplation of mitigation measures working.

136. Noise Mitigation Plan, NS/MM-1. This mitigation measure needs to extend to the entire western side landfill (residence 13 plus others in that area not shown on the map due to Module 10 construction), and the eastern side (residence 7, 8, and 9 of Figure V.I.1) not just the southeastern side. While the noise monitor may not have recorded the noise, the neighbors invite anyone from the county to come out during the day and listen to the noise at their residences, much less the noise at the property line.
137. Noise Mitigation Measures, Understanding of the Noise Issue, Mitigation Measure EBF/NO #14. Without being at the residences, it is impossible to understand what the noise is about. It is continual, bothersome, and not neighborly. When the 1991 EIR was approved, the neighbors knew that they would have to live with the noise for about 10 years but had no idea of the extent of the noise. The approval of the composting in 2001 made what was partially bearable, unbearable. This project is to extend the life for 25 years, which for many residents is the balance of their life on earth. CCL should have to mitigate this to the 1991 levels.
138. Noise Mitigation Update (NS/mm-3 & 7). This mitigation measure requires an update by the noise consultant within 30 days of the completion of a component. MM #3 is to be done just after the relocated entrance is completed. The neighbors suggest that this study must also be done annually for the first 10 years of the project, then biannually for the life of the project. As part of this update, the noise consultant shall be required to talk with 100% of the adjacent property owners around the 209 acres of the landfill parcels and all owners within 1 mile of the property boundary on the effectiveness. This is because the source of the noise will be moving throughout the next 25 years and things change. No one can effectively contemplate all of the noise issues that may arise in the next 25 years. New technologies may develop or thought of that will mitigate this residual Class 1 impact.
139. Noise Mitigation, Residual Impact still a Class 1 Impact, Mitigation Measure EBF/NO-#15. Even with the proposed mitigation measures, noise remains a Class 1 unmitigatable impact. There is another mitigation measure the neighbors propose that has been touched on before. Put all noise generating activities in buildings. This is not unreasonable as the owners of CCL already operate more transfer stations in the western USA than landfills. They have experience with it as opposed to the previous owners who originally made the application. Put the RRP collection/drop off areas in buildings, put the composting in a building, maybe with an open top, and put the trash collection as a transfer station in a building, moving the trash to a very remote canyon for ultimate disposal. Then it drops noise to a Class II impact. The County is required to make this a mitigation measure because it is reasonable, it drops the impact to insignificance, and there really is no net cost to the CCL; after all, all costs get transferred to the ratepayers in the way of a slightly higher trash bill, but they aren't living with the problems.
140. Less Impacting Location Developed, Mitigation Measure EBF/NO #16. Noise is a major Class 1 impact from the composting portion of the project that cannot be mitigated to insignificance unless all of the above measures, along with those proposed by this EIR are enacted and then it is questionable if it will be effective. As such, we propose this as a final noise mitigation measure for the composting. If an alternate site at a location more than 2 miles from the existing landfill is proposed for a project for the composting, for the operation of a transfer facility or for recycling ("New Project") by any entity and an application is submitted for its development and is approved by the County, the CCL shall, immediately upon the startup of the New Project, quitclaim the franchise agreement and all

other agreements of any kind with all parties, governmental and private for that composting, the operation of a transfer facility or recycling, transfer 100% of all of those rights without charge or retained benefit by the CCL to the New Project, and immediately proceed to abandon that portion of the operation within 15 days of startup of the new facility. In the process of developing the New Project, CCL shall provide all information with regards to direct and indirect income and expenses of the existing composting operation the entity requests and upon startup of the project, all revenue sources shall be assigned to the entity. All assignments shall be at no cost to the New Project and shall be on similar if not identical terms, except for the rates the New Project charges for taking the material. CCL shall not in any way hinder or impede the New Project and shall be subject to general, consequential, and treble damages if it does.

This mitigation measure converts the noise impacts from the different functions of the operations from a Class 1 residual impact to insignificant, but only once it is exercised. Until that time, it remains a residual Class 1 impact.

#### Air

141. Air Emissions, Criteria Pollutants, New Source. As stated in one of the first paragraphs, the existing operation is to be shutdown in 2015. As of 2015, the air emissions from all of the landfill activities cease. That is the base case. The Land Use Permit has been conditioned on that fact and CCL is supposed to have submitted a Closure Plan 2-1/2 years ago. This is different from a project that wants to expand and does not had an end date. The emissions calculated here are a New Source and subject to New Source Review Rules. With 47 TPY of NOx emissions all thresholds are exceeded. CCL must meet APCD requirements for a new source that wants to put out 47 TPY of a criteria pollutant. BACT and possibly offsets are required. This applies throughout the air section.

142. Air Impacts- Full Potential Case. The Air issue needs to be checked about the impact of the throughput increase. As stated before, the landfill is only operating at a 685 TPD rate. The permit application is to operate at a 2,500 TPD rate. I am not sure if the Air section has addressed this.

The current emissions such as the fugitive methane emissions and the captured methane emissions are based on this 685 TPD rate. The proposal is to increase the total capacity from 1650 TPD to 2,500 TPD. The composting is increasing to 450 TPD. The EIR has not stated the current volume of material handled. Assume they are taking in 300 TPD for landfilling and 100 TPD of raw material for composting. There is no detail on how the future methane emissions were determined, but if the landfill portion of the operation is landfilling 300 TPD, the methane emissions must increase by 2500/300, or 833%. The composting emissions should be increasing by the ratio of 450/100, or 450%. I do see this anywhere in the section.

The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1). Evaluating Air issues at anything other than what would occur at the maximum allowed permit capacity does not meet this requirement or purpose of the EIR. If this impact is evaluated at a maximum of 685 TPD rate, that should be the permit limit.

All impacts must be based on the worst case scenario.

143. Composting Emissions Missing. There are no composting emissions shown. The plant material is decaying producing methane, and they are not being captured now. Where is that calculation? Where is the calculation for the increase in composting from 100 TPD to 450 TPD? Where are the fugitive calcs?
144. Landfilling Methane Emissions. There are no emission calculations for the landfill emissions. There are statements that they are captured, but no calculations backed up by the metering data from both CCL and the Price Canyon oilfield on volume, BTU content, etc. Not all methane gas is captured; there are fugitive methane emissions, maybe 10-25% of the captured amount. What is the current volume of these gasses? Where are the calcs to show how this will increase with the increase from the actual today of 685 TPD (~300 TPD landfilled) to the permitted volume of 1200 TPD?
145. AB2588 applicability. The AB2588 program applies to stationary sources that emit over 10 TPY of criteria pollutants. This facility emits 47 TPY of NOx. Please explain why it is not subject to the AB2588 Toxic Hot Spots program. The grinder and trommel screen by themselves are almost 10 TPY. When you add in the scrappers and compactors (which are not vehicles per the definition of motor vehicles in AB 2588), CCL as a stationary source exceeds the 10 TPY reporting level and is subject to the program. If it is subject to AB2588, please add a note in the summary of this as can subject CCL to substantial fines and third party Prop 65 lawsuits.
146. Odor Minimization Plan. Page III-13 describes an Odor Minimization Plan that was developed in 2003 and updated in 2007. Please add the most recent Plan in the updated EIR.
- If there is an Odor Minimization Plan, why 2 years later and after an update, are there still significant, sometimes putrid odors? Has it not been properly vetted? Was the public involved in the review of it? I was never informed of the existence of it and I am an adjacent property owner who smells the landfill on occasion.
- Future revisions of the Plan need community review.
147. Definition of Biosolids. Mitigation Measure EBF/Air #1. Page III-25 says that for the purposes of this EIR, the term biosolids means sewage sludge that has been treated with anaerobic digestion and heat. While this might not be a mitigation measure per se, a mitigation measure stating this definition needs to be added; or alternatively, a mitigation measure saying materials that have not been treated with anaerobic digestion or heat are not allowed.
148. Acceptable biosolids. Class B biosolids should not be accepted in any event. They contain levels of pathogens that we shouldn't have to deal with. Only Class A or Exceptional Quality (EQ) biosolids should be allowed.
149. Pre-treatment of Biosolids. The application is to allow the landfill to accept up to 100 TPD of biosolids. Since the total composting level is already 300 TPD and CCL is asking for a 150 TPD increase, it must be assumed that CCL is planning a very small increase in

the normal greenwaste composting, but bringing in a whole new source of material. Page III-25 of the EIR says that the biosolids are really just a politically correct way to say sewage sludge that has been treated with anaerobic digestion and heat. Are these septic tank solids from residences? Please explain how those are treated with heat after they are sucked out of my personal septic tank. Are these the solids from the wastewater treatment facilities around the county? If so, how are these treated with heat before they are brought to the landfill? I am not aware of any kiln type heaters at a wastewater treatment facility; are those going to be added? Or has this material just been spread out in the sun and the EIR is deceptively portraying sunlight as "heat"? How is restaurant waste anaerobically digested? Do they have a separate septic tank the waste food goes into to do the anaerobic treatment? Please explain the pretreatment process by all of the potential and approved input sources of biosolids in detail. This should be a mitigation measure.

150. Pre-treatment of Biosolids, Mitigation Measure EBF/Air #2. The EIR states that all biosolids will be pretreated with heat. I propose a mitigation measure that no biosolids will be accepted into the CCL for any reason if they have not been pretreated to a temperature of at least 140 degrees dry heat for 15 minutes.
151. Mitigation Measure AQ impact 4, AQ/mm-6. This mitigation measure states that when a load comes across the scales, the operator will determine if it stinks. If it stinks, the load is to be moved to the filling area and CCL has 4 hours to cover it. Why four hours? If the load stinks now, why not bury it now? There are plenty of employees there and every time I have been at the face of the modules there has been a Cat driver compacting the material. This mitigation measure should be modified to require that it be buried within 30 minutes. What happens if the load comes in at 4:30, just before closing? Under this mitigation measure does that mean that CCL would then have the right to work late (in violation of the noise mitigation measures) till 8:30 PM to bury it? Or is the 4 hours working hours, so they really have until 10:30 AM the next morning, or in the event of a Friday afternoon delivery, till 10:30 AM Monday morning to bury it?
152. Odiferous Biosolids, Mitigation Measures EBF/Air #3 and EBF/Air #4. I am concerned. The scale operator is to determine if the load stinks, but the EIR states that odors are generated in the tipping and turning operations. When the load comes in, the scale operator isn't going to climb in to the bin with a shovel and turn over a few shovelfuls is he or did I miss that in the write-up? The question of smell needs to be made at the time the load is tipped out of the bin, not by the scale operator.
- The first mitigation measure is that the scale operator must get into each bin of biosolids with a shovel and turn over a representative amount of the biosolids across the length of the load to determine the smell before sending it to the composting area.
- Then, what happens if the load doesn't smell at the scale, it is tipped out at the composting and reeks? The second mitigation measure is that if it stinks after being tipped, CCL has 30 minutes to pick it up and bury it per AQ/mm-6.
153. Odiferous Biosolids, Mitigation Measure EBF/Air #5. As I understand it, the biosolids come in somewhat dry from the generators. There will be little smell then. The smell would begin once water is added, which is in the composting operation. I think smelling the load at the scale will not catch this all the time. A mitigation measure should be added that if a load of biosolids begin smelling after tipping at the composting facility and water is

added, those biosolids shall be removed from the composting facility by landfill personal within 1 hour and buried as required in AQ/mm-6. The location in the windrow doesn't matter. It still needs removal.

154. Odiferous Biosolids, Mitigation Measure EBF/Air #6. I think this raw material will stink no matter what and the neighbors and the County will find that all of the above suggested efforts will not work well. As such, I propose that the acceptance of any biosolids will be provisionary; at the time of first acceptance, all of the adjacent and properties within 1 mile of the boundaries of the 209 acre landfill will be notified within 5 days by letter that the acceptance has begun. For a period of six months, the County will monitor the odor complaints from those residences. If the frequency of complaints remains the same (no increase of over 10% in number) as before acceptance, then CCL will be allowed that volume of biosolids input as raw materials as came in during that period as a limiting permit condition. For instance, say the start date is March 1. The neighbors are alerted. CCL takes in 50 tons/day for the entire period and there is no increase in complaints. The permit will be modified to limit the biosolids input to 50 TPD. If during that period only 5 loads or 200 tons are brought in during the six months, the limit will be 200 tons/182 days or 1.1 tons/day. This protects the neighbors from changing conditions or playing games with input volumes.

As time goes on, CCL may develop new techniques to deal with the odors that may allow them to increase the input beyond the above limit. In this mitigation measure, there would be a reopener clause. After the first "smell test" described above, CCL would be locked into that throughput level for the next four years. After the four years has passed, and if something materially has changed that will allow expansion, CCL could have a re-smell test by the neighbors under the same conditions listed above.

155. Failure of 2001 Expansion Permit to Recognize Air (Odor) Impacts. When the 2001 approval to expand the composting area was made (D000281D), odor was not even mentioned or addressed in the Negative Declaration. As with water and noise, this is a serious failing. This is a major impact. Because of the lack of public notice, and the lack of anticipating the impacts of this odor as being significant, the neighbors take the position that it needs to be fully addressed now and can't be considered a pre-existing right that CCL has. Maybe the County erred with the negative declaration, maybe the odor wasn't disclosed or understood by the CCL, it doesn't matter. Someone is at fault; there has been an impact, it needs to be addressed
156. Error on Period of Applicability, AQ impact 4, AQ/mm-6. This impact measure states that it applies only during the life of the operation so long as the tonnage remains less than 300 TPD. Does this mean that when the tonnage increases to 350 TPD this mitigation measure doesn't apply? That is not acceptable. The fact that it doesn't even apply now alarms me. It should apply now, there are odor problems now. We suggest that the mitigation measure apply before the issuance of the Notice to Proceed and last thru the life of all parts of the operation (since there are staggered shutdown times). I think this was just an oversight by the consultant.
157. Odor Complaint Response, Page V-88. What is the LEA? It is never defined or explained.

158. Mitigation Measure AQ/mm-6, Complaint Response, item d; Technical or Operational Modifications. This states that the odor coordinator will coordinate to make any necessary operational and/or technical modifications necessary to minimize the likelihood of future odors. If the technical or operational modifications don't get rid of the odors, what happens? Is there any limit of the amount of expense that can be demanded to achieve results? Is saying, "No more composting" a reasonable operational modification, and if not, why not? (Remember, cost is not an issue here).
159. Odor Response Coordinator, Mitigation Measure EBF/Air #7. A repeated complaint by the neighbors has been that since 1991, there have been odors. Since 2001 they have increased substantially and at properties further away. Many times, the residents had no idea who to phone. The odor response coordinator is a great idea, but it needs to be expanded. The repeated complaint is that the smell may occur Tuesday, it is phoned in, and no one comes out to check it till Thursday or Friday and the smell is gone. This coordinator should be conditioned, since that would be their prime job, (or it better be), that in the event of an odor complaint, they must be at the complainant's residence within 30 minutes to evaluate the stench. The coordinator must be on call, 24 hours/day as sometimes the smell will be in the evenings or on weekends. The coordinator must also have a great sense of smell; those like me who can't smell much are prohibited from the position. CCL shall fund the position, but the person may not be an employee of CCL. CCL should provide the phone number for this individual annually with its notification of the cleanup days along the road and properties, required under HAZ/mm-2.
160. Odor Complaint Response Transmittal of Issues, Mitigation Measure AQ/mm-6. In this condition, the odor impact coordinator, as designated by the landfill, transmits odor complaints to the LEA (whoever that is) and the APCD when requested. This should be required to be done within 24 hours of the complaint, and notice should also go to the County Environmental Coordinator. Right now, if we phone the APCD, they generate a written record right then and they will respond to it, albeit late. If it is something that the odor impact coordinator, employed by CCL, has the option to forward, or if it is only forwarded when requested, I can see the case in a few years that someone at the APCD or the Environmental Coordinator will forget to ask for and the complaint just gets lost. When submitted to the Environmental Coordinator, they should be required to post the information about the complaint on the proposed website and keep a running tally of complaints.
161. Odor Response Notification, Mitigation Measure EBF/Air #8. The EIR states that thresholds are based on a nuisance with a nuisance being ... "indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property" and "affects at the same time any considerable number of persons". We need to know now what constitutes "any considerable number of persons". Is it 5? 10? Whatever that figure is, when that condition is met, within 1 week CCL should have to take out a 1/8 page advertisement as a notice in the local newspapers (SLO Tribune, AG and Pismo Papers) with details about the incident, such as time and date, what caused it, what is going to be done to make sure it doesn't happen again, contact phone numbers, etc. It should be in the first section of the paper, not buried in the classified ads. Do it just like the water companies must do when they have a water quality issue.
162. Odor Response Action, Mitigation Measure EBF/Air #9. If the threshold above is met and notification is required, if the cause is from the composting or the acceptance of

biosolids, then after 2 threshold levels are exceeded in any 2 month period, CCL should be prohibiting from accepting these waste streams for 30 days. This would help mitigate the short term impacts from Class 1 that can't be mitigated to insignificance. This condition would help insure that CCL understands that the problem with odors is very serious and not to be ignored. Again, if there is no problem, this measure never gets implemented; if some of the others suggested here get implemented, like the one near the end for an enclosure, this one will not give CCL any heartburn, but it protects the neighbors,...just in case.

163. Mitigation with Aerated Static Pile; AQ-MM7- ASP (aerated static pile), Modified Mitigation Measure, EBF/Air #10. First, this measure is missing from the monitoring table, page 14. This condition requires CCL to install an aeration system only when composting volumes exceed 300 TPD. Right now they are below this level. This measure is to reduce the smell. CCL should be required to do this at the start, prior to the issuance of the Notice to Proceed. Again, the composting smells now, not just when the volume is above 300 TPD. When asked the question at the community meeting in late February, the first blush answer was that they haven't exceeded their permit level so it can't be asked for until they exceed the 300 ton level. However, CCL were not given the right to take in biosolids or stink up the area either. This application is a referendum on the 1991 permit and all subsequent conditions. If CCL wants to withdraw the application, that is fine, the neighbors will live with the stink and the composting as is for the final seven years. If not, CCL needs to address this immediately by adding the aeration system immediately. It makes me wonder, if CCL wanted to be a good neighbor after all of the complaints to date, why haven't they done this on their own? Maybe they have and the authors of this EIR are not aware of it?
164. Biofiltration System for Odor Control Mitigation Measure EBF/Air #11. Page III-25 suggests that "potentially" a biofiltration system is added for odor control. This should be a required mitigation measure. The paragraph says it will increase cost, but as stated before, cost is not a material factor when there is a residual Class 1 impact.
165. Volume of extracted gas. According to Plains Exploration, operators of the Price Canyon oilfield, the landfill delivers about 400,000 SCFD of 400 BTU gas to them. However, according to the 2007 Semiannual Water Quality Monitoring Report, it shows 213,718 SCF of gas total and 3.34 tons of NMHC (which, assuming 10 scf/lb equals 66,800 SCF). This totals 280,000 SCF over 6 months compared to what Plains says is 400,000 SCF per day. Which is correct? This production information should be in the EIR.
166. Collecting Odorous Vapors, Mitigation Measure EBF/Air #12. Even with the mitigation measures proposed for the odors, AQ/mm-7 acknowledges that odors would remain a Class 1 impact. The neighbors suggest that another mitigation measure be added, and that is doing the composting in a building. The EIR states that the aeration system is questionable if it works, and if it doesn't, well, tough break for the neighbors. With a building with a concrete floor, the air induction system can be built into the concrete. The noise goes away because the building would have to be noise insulated with closing doors. The composting apparently doesn't need sunlight because it is discussed that tarps can be put over it to reduce the smell. If sunlight is required, the roof could be a series of Plexiglas panels to let it in. Then the ultimate, to reduce the odors, a ventilation system can suck out those vapors, run them to an incinerator, and they could be destructed using some of the other vapors generated by the landfill's module system. With catalytic

converters and other emission reducing technology, 99% of all vapors would be destroyed. Similar to the RRP area, the doors would have to be kept closed and with a three section building, it could have the offloading in one enclosed area, the material moved to the piles through a conveyor system, and the chipping and shredding in the last bay before outside storage or packaging. One of the many plusses with this option would be that being enclosed and sound insulated, the operation may not need to be limited to taking input to between 8 AM and 3 PM. The time to move and turn the piles may be able to be extended because noise would no longer be an issue. If put in a building, the probability will be that the Class 1 residual impact would be reduced to insignificance, however, that would take time to determine.

167. Less Impacting Location Developed, Mitigation Measure EBF/Air #13. Odors (Air Resources) from the composting is a major Class 1 impact that cannot be mitigated to insignificance unless all of the above measures along with those proposed by the EIR are enacted. As such, we propose this as a final air mitigation measure. If an alternate site at a location more than 2 miles from the existing landfill is proposed for a project for the composting ("New Project") by any entity and an application is submitted for its development and is approved by the County, the CCL shall, immediately upon the startup of the New Project, quitclaim the franchise agreement and all other agreements of any kind with all parties, governmental and private for that composting transfer 100% of all of those rights without charge or retained benefit by the CCL to the New Project, and immediately proceed to abandon that portion of the operation within 15 days of startup of the new facility. In the process of developing the New Project, CCL shall provide all information with regards to direct and indirect income and expenses of the existing composting operation the entity requests and upon startup of the project, all revenue sources shall be assigned to the entity. All assignments shall be at no cost to the New Project and shall be on similar if not identical terms, except for the rates the New Project charges for taking the material. CCL shall not in any way hinder or impede the New Project and shall be subject to general, consequential, and treble damages if it does.

This mitigation measure converts the odor impacts from composting operation a Class 1 residual impact to insignificant, but only once it is exercised. Until that time, it remains a residual Class 1 impact.

#### Aesthetics:

168. Damaging Scenic Resources, Page V-7. The EIR cites a section saying a significant impact is one "Having a substantial adverse effect on a scenic vista" that "Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The EIR goes on to state that because 227 is not listed by the State as an Officially Designated State Scenic Highway, that this criteria is not met.

I disagree with this interpretation. The words "within a scenic highway" are used to describe the rocks, trees and historic buildings near a scenic highway (included, but not limited to). It does not limit scenic resources to only those types on a scenic highway. Under this EIR's definition, the ocean next to US 101 is not a scenic resource, which everyone knows is a scenic resource.

When one drives down 227 from Arroyo Grande, the view is magnificent of the Edna Valley Hills, the rock outcroppings on the west of 227, the grapes in the Valley. The same is said about coming down Corbett Canyon, as one rounds the corner near Tiffany Ranch Road. When we have visitors come, they marvel at how beautiful it is. It is scenic. It meets these criteria. But there is a big monstrous bulb in the middle that is the landfill, popping out of the ground like a big pimple ready to explode.

Please change the wording on this paragraph to reflect this fact, maybe not the pimple part, but the tone and the interpretation.

169. MRF expansion, Page V-14. This page indicates that the MRF is to be expanded and to look at Figure III-8. Looking at Figure III-8, it doesn't appear that the MRF is expanded. It is the same size. Which is the case?
170. Current Vegetative Cover, Mitigation Measure EBF/Visual #1. Certain sections of the current landfill cover don't support vegetation growth as it was supposed to. How is it proposed to rectify that not only for the future modules, but also the currently completed modules? This is an example of looking back at the 1991 conditions and seeing which ones don't work. Look at the top of the hill shown in Figure V.A.-7. AES/mm-3 partially addressed it in that the hills will be covered with native species, but it doesn't address the material that the plants are being grown in. I believe that the problem is the soil, that what was used doesn't support plants. A mitigation measure needs to be added to address those areas of the existing modules where no or limited growth is now occurring. Maybe CCL needs to come in with 12" of its own compost and spread it on the hill, then reseed those areas.
171. Building Top Deck Berm, Mitigation Measure AES/mm-5. The impact to the aesthetics is significant, adverse, and unavoidable in the short term and the long term. CCL should be required to construct the berm first, before moving any composting. Once the composting is moved, space may not be available to adequately build the berm, plus, we are looking at the composting and the noise for up to a year before it gets screened.
172. Top Height of Landfill. Page III-23 states that the top height of the landfill will not be changed from 500' MSL. Figure III-5's contour lines on the top deck already show it as 490' MSL. The Aesthetics portion of the report states that the composting is to be moved to the top deck. The top deck elevation on Figure III-8 shows it as at 500' and a flat surface, sloping off at 4%. This is before the 7' high windrows are placed there. But this is before any of the 10'-25' high berm around the entire deck is placed there. How can this be done while keeping the top at 500'? To meet this limitation, the top 15+ feet of the current top deck will have to be removed and relocated to another module. Also, this changes the cap on that trash. How will that be modified, once broken
173. Building Top Deck Berm, Mitigation Measure AES/mm-5, Residual Impact. Even after the berm is built, the residual impact will still be significant. The trucks going up and down will be visible. With input of up to 450 tons/day, assuming each truck can carry 5 tons, this is 90 trucks/day, up and down, for just the input; for moving the finished product out, it is another 90 trucks, up and down. Plus employees. This makes 180 trips/day over 10 hours (if the extended hours are approved), or one every 3 minutes 20 seconds, every day of the week including weekends, all day long. Based on the distance to be travelled and the

speed trucks will have to drive, in effect, there will always be a truck in view moving up or down.

This assumes that each truck is full, which it won't be, and the loads are staggered evenly throughout the day over the ¼ mile road. This works out to be, at a speed of 15 MPH, that there will always be 1 truck visible, most likely 2 or 3 at a time (due to scheduling), moving on the road to the top deck.

The impact to the aesthetics is significant, adverse, and unavoidable in the short term and the long term.

174. Top deck berm, blocking all visual impacts, Mitigation Measure EBF/Visual #2. The berm stated around the top deck must be of sufficient height to block the view of all portions of the composting operation including loaders, chippers, trucks, structures, (all man-made structures) from all points of all adjacent properties.
175. Access Road to Top Deck, Mitigation Measure EBF/Visual #3. Because of the above, starting at the time composting is to start on the top deck and for the life of the project; the access road for trucks to the top deck shall be screened from view by setting the roadway 10' down below the sides of the fill. The orientation of the road shall be routed so that nowhere from a road or from an adjacent parcel is a truck traversing the road visible on any single stretch for more than 15 seconds. This means that the road will have to curve, sort of like a bobsled track. The entrance to the top deck will need a chicane to keep the trucks hidden and noise contained.
176. Screening, Mitigation Measure EBF/Visual #4. Why are only the structures screened? Very little of the operation as proposed is a structure. All of the outside work areas need screening also as a mitigation measure.
177. Screening- Adequacy. The simulated pictures in the Aesthetics section show what appears to be a single row of oak trees along the road as adequate screening. Because of the slow growth rate of oak trees and the high probability of failure, we suggest that the screening consist of a minimum 3 rows of oak trees to get the denseness required. Or if something like pepper trees used, 3 rows of these on a down sloping hill (to shield the low views under the branches). Also, oak trees grow very slowly. Why not allow CCL to start with 5 or 15 gallon trees, then the probability of success goes up, costs go down, and the effective screening will occur many years earlier.
178. RRP and MRF Screening Term, Mitigation Measure AES/mm-9. This condition limits CCL to monitor the landscaping for at most, ten years. What happens if the landscaping does not grow and 10 years has passed? What if they plant oak trees that take 50 years to be large enough to screen? CCL is off the hook. The time frame should be that the screening monitoring reports are required at the start and for a period of 10 years after the buildings are fully screened.
179. RRP and MRF Screening. The write-up implies that the screening is supposed to cover the structures only from Highway 227, but later it implies that the screening is required on the west, south and eastern sides. It also states that the screening is only of structures. The screening must be of all aspects of the RRP and MRF from all adjacent properties, even from the north.

180. Impact of stockpiles and construction activities degrading the short term and long term visual quality, AES Impact 6, Residual Impact. Even after these measures are incorporated, the residual impact is not "Insignificant" (shown on page V-15) or "Significant but Mitigateable" (shown on page II-14). The current operation has been in existence for 18 years and the EIR indicates that it is a Class 1 impact as it is now. How, if these controls are in place, which is little more than what has been done in the past, does this suddenly go from "Significant, Adverse and Unavoidable", to "Significant but Mitigateable"? The mound is big like Mt. Vesuvius, the trucks are perpetual, the construction activities are not shielded, the residual is now and the next 5 years, not what it will look like in 2040.
181. Effect of Noise Measure NS/mm-2, AES Impact 6, Residual Impact, page V-15. Noise measure NS/mm-2 deals with relocating the entrance. This has very little impact on the on-going construction activities and topography of the stockpiles. The front of the module faces still exist and that is what is seen. That measure doesn't help this impact.
182. Chroma and Munsell Color Scale, AES mm-11 and others. Please add in the EIR documents showing these so we can understand what they mean.
183. Lighting Plan, AES/mm-12. One of the elements of the Plan should be that at nighttime, there will be no glare or reflected light that causes the MRF area to glow, like looking at the glow of the night sky of SLO. All exterior lights must be off by the closing time of 10 PM or whatever the final closing time is determined. In addition, once the Plan is implemented, its effectiveness shall be reviewed by the Environmental Coordinator in conjunction with the adjacent neighbors to see if the goals are met or if revisions are required.
184. Lighting Plan, Access Road, AES/mm-12. Will the access road be lit? How high will the standards be? It is suggested that the standards be less than 10' (when they go on, there are no more truck deliveries, it is just employee cars) and non-halogen lights to minimize the night impact.
185. Guaranteed successful landscaping, AES/mm-13, page V-17. In this section, it recognizes that the oaks may take 7-10 years before substantial benefit is achieved. As with the comment made elsewhere, what happens when the 10 year landscaping bond runs out? The landscaping bond needs to be in place for 5 years after the screening is in place.
186. Photo simulations, Key Viewing Areas 2, 3, 4, 5, 7. The intermediate pictures do not show the amount of trucks that will be always in view on each of these scenes. They depict a bucolic rural road with no traffic. This is not the case now and will not be the future case. Using the same methodology as presented above about compost trucks, the EIR states under traffic that the landfill will generate 860 vehicle trips. In the corrected transportation section, it will be 4,170 round trips/day. If the gates are open for 10 hours, this means 417 trucks/hour or an average of one every 17 seconds coming in and one every 17 seconds coming out. For someone standing by the road, every 8.6 seconds a truck to or from the dump will pass. Each of the simulations should have at least 4-6 trucks in each view to be representative of this. In addition, trucks need to be shown traversing up to the top deck composting, (2 or 3 in view at any time) should be added.

187. Residual Impact AES Impact 2- Class 1, Mitigation Measure EBF/visual #5. Even after the mitigation measure the EIR proposes, the residual impact would be a Class 1 impact. The neighbors propose that if the location were converted to a transfer facility and the composting moved, this impact may become insignificant. As such, a transfer facility must be considered.

#### **Agricultural Resources**

188. Characterization of the Valley, Page V-51, b.1). Row crops south of Biddle Ranch Road are common, but Vineyards predominate. The Vineyards are not just to the north end of the Valley, but throughout. Wolfe Vineyards, Domain Alfred, the grapes by Kynsi, the areas grown by Talley Vineyards, Alban Vineyards, Clayborne & Churchill, the vineyards in the Edna Ranch west area, etc. are some of the examples.
189. Agricultural Water Supply (Part V.C). Please correct all parts of this section per the discussion in this letter about erroneous water supply and usage statements in the draft EIR. Revise the conclusions accordingly.
190. Noise Matters, Page V-67. Please correct these statements after the revised Noise study is done with the composting operation in service (grinders and turners)
191. Table II-2, AG Impact 2. The residual impact column is blank and should reflect Significant, adverse, and unavoidable.

#### **Biological Resources**

192. Oak Tree Conservation Easement, BR/mm-3. If there is to be a conservation easement, it needs to be on the property or on an adjacent parcel where the protected trees will shield the operation. Having it miles away does not mitigate the problem here. In fact, I question the need for an oak tree conservation easement. Oaks here grow like weeds, on our property we have them sprouting out all over. I suggest this mitigation measure be deleted. It only costs money and it really doesn't benefit anything.
193. Funding a Conservation Easement, BR/mm-4. This mitigation measure makes little sense. There are plenty of oak trees in the area. Requiring CCL to pay for an easement if it cannot establish one itself isn't going to do anything, especially when the funding level is only \$970/tree. This amount is nothing. If it were me, I would simply cut down 10 trees, not even make an attempt to deal with a conservation easement, write a check for \$9,700, wash my hands of it and be done with it. Delete this measure, it adds nothing but funding for someone's pet project that is not truly impacted by the project.
194. 50% native shrub mixture, Mitigation Measures AES/mm-3, AES/mm-10 and others. Many of the grading permit conditions have that all interim and finished slopes be seeded with a mixture of 50% native shrubs in the erosion control seeding mix. What does this mean? Does it mean that 49% can be non-native shrubs like rhododendrons and bamboo? Does this mean that CCL must go out and collect seeds from adjacent properties and spread those as being native? Does it mean that the hills must be covered with 50% tumbleweeds as those are shrubs? Why not just require 100% of the native grass species or type, calling out what it is; alfalfa, rip gut, oat, barley, etc.

**Cultural Resources**

195. Cultural Resources Section, Nomenclature for Impacts and Mitigation Measures. The draft EIR uses "PR" as the leading characters for impacts and measure (Page V-136). Shouldn't the characters "CR" for Cultural Resources be better?
196. Cultural Resources Section, Archaeological Subsection, Page V-142. Similar to the above comment, as opposed to using the leading characters "AR", wouldn't it be better to use "CR". The impacts are in the Cultural Resources section so it would be easier to locate the discussion of the issue.

**Climate Change/Greenhouse Gasses**

197. Climate Change Methodology Table V.E-1. This table shows the emissions increasing through 2025, with 2025 shown as 54% growth. This application is to increase volumes of waste handled. The current permit limit is 1,620 TPD; however the statement on Page III-2 says that over 5 years, CCL has taken in 250,000 tons of material/year. This is the only place any current input volumes are mentioned. This averages 685 tons/day, 42% below the permitted level. CCL wants to increase the permit level to 2,500 tons/day.

The 2007 numbers in the table are actual based on 685 TPD. A 54% increase would bring this to 1055 TPD. This is below what the new permitted level would be. This does not reflect the impact this expansion would add to the environment. In fact, it doesn't even reflect the landfill's current limit.

"The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1). Evaluating Climate change gasses at anything other than what would occur at the maximum allowed permit capacity does not meet this requirement or purpose of the EIR. If this impact is evaluated at a maximum of 1055 TPD, that should be the permit limit.

All impacts must be based on the worst case scenario.

**Geology**

198. Geology, Figure V.G-2. For uniformity across the report, I suggest this drawing be shrunk down to match the scale of the others and show the entire landfill boundary as in Figure III-8.

**Hazardous materials**

199. Dangers of Biosolids, Neighboring Property Exposure, Mitigation Measure EBF/HAZ #1. The CIWMB at its April 13-14, 2004 Board Meeting discussed the issue of biosolids. While the meeting was dealing generally with the issue of using them on the land, it states on page 4-10 that studies of waste water workers should not be used as proxies for studies of populations exposed to biosolids since there are major differences in the populations exposed.

As a mitigation measure or permit condition for this project, prior to approval to take in any biosolids, CCL should be required to commission and complete epidemiological studies of biosolids to provide evidence of causal association (or lack thereof) between biosolids and adverse health effects to the population on adjacent parcels from contact with biosolids and/or their byproducts as suggested by the NRC on page 4-10 of the report.

200. Danger of Biosolids, Worker Exposure, Mitigation Measure EBF/HAZ #2. As touched upon in the above paragraph, a second complete epidemiological study of biosolids to provide evidence of causal association (or lack thereof) between biosolids and adverse health effects to the employees from contact with biosolids. It needs to address employees who are in contact with them in confined areas, like buildings, and for extended periods of time.
201. Incorporation of results of epidemiological studies of biosolids prepared above Mitigation Measure EBF/HAZ #3. No one knows at this time the health impacts of bringing this raw material here, it may be like dioxin. As a measure to cover this potential eventuality, a mitigation measure should be added that requires CCL to set up a health benefit fund to diagnose, treat, and cure any person who may be affected by the biosolids, be it an employee or a member of the general public. The health benefit fund needs to be fully funded before taking in any product, in the form of an escrow fund of cash, not a corporate guarantee, bond, or similar financial instrument.
202. Generating Source of Biosolids, Mitigation Measure EBF/HAZ #4. It appears the composting of biosolids is a relatively new industry and we would become a dumping ground for all other counties and cities who don't want to deal with this waste stream.

750,000 tons of biosolids are generated in California every year. A CCL approval of 100 tons/day (36,500 tons/year) would allow this landfill to take 5% of all of California's waste. This is 5 truckloads/day. Right now, 120,000 tons/year (16% of 750,000) is composted so this approval would be 24% of the entire State's biosolids composting industry. (Source-California Integrated Waste Management Board data).

The County has a population base of 269,337 people. Subtracting out 58,524 people that live in Atascadero and Paso Robles, the landfill's service area has something less than 210,813 people. California's population is 33,871,648 people. We are only 0.62% of the state's population. The permit limitation therefore, based on the volume of biosolids generated in the service area shown in Figure III-4 should be 4,650 tons/year or 12.7 tons/day.

We are not the dumping ground for other Cities and Counties and for Los Angeles and San Francisco. And especially not for an extension of 25 years.

A summary similar to this needs to be put in the executive summary section.

203. Source of Biosolids, Mitigation Measure EBF/HAZ #5. The landfill is an intrusion on the neighbors. Its area of service is the western side of San Luis Obispo County. We have a beautiful county. This mitigation measure is that if biosolids are allowed, no source of biosolids generated from outside of San Luis Obispo County is allowed.

204. Medical Waste and Hazardous Materials Acceptance, SLO Conditions of Approval, Page V-178. It states here that Condition #38 prohibits CCL from accepting any medical or hazardous materials at the MRF. It goes on further to state that this condition would become void by the new permit, and that CCL is not proposing to accept any of these items. It isn't clear what is happening here. Could you just make a clear statement, maybe a mitigation measure, that medical or hazardous materials would be prohibited on all Cold Canyon operations?
205. Existing Litter Control Plan, Page V-181. The EIR references a litter control plan. It would be helpful to have this attached to the EIR in the Appendix. It shows what efforts are being expended now. This is important because mitigation measure HAZ/mm-2 does not go into effect until the Issuance of the Notice to Proceed. That may be years from now.
206. Distance from Landfill that get Notice, Mitigation Measure HAZ/mm-2. This notice provision, point b, states that residents within 1 mile of the landfill get notice. Please clarify that the "one mile" is one mile from the outer boundary of the landfill. It could be interpreted as one mile along Highway 227.
207. Contact Information Inclusion, Mitigation Measure HAZ/mm-2. Point (f) should be included under point (b), the notification to the residents who the contact people would be if the landfill fails to comply with control measures.
208. Litter on Sides of the Road, Modified Mitigation Measure EBF/HAZ#6. The HAZ Impact 2, and mitigation measure HAZ/mm-3 deal with the litter that gets blown out of trash trucks going to the dump and individuals who haven't tied down their loads well. In the text write-up, it describes that CCL cleans up for a 1 mile distance on each side of the entrance gate. This is not enough. At those distances the dumpee is starting to slow down and whatever is going to blow out will not blow out because the speed is reduced. Also, a good portion of the trash from individuals also comes in along Corbett Canyon Road. Every few months I have to go out along my fenceline on Corbett Canyon and pick up 2 or 3 trash bags full of this blown litter, and pay myself for its disposal.

I propose modifying the proposed mitigation measure to extend it all the way north on Carpenter Canyon to Price Canyon, south on Carpenter Canyon to Noyes Road, and down Corbett Canyon at least 2 miles from its intersection with 227. While CCL may argue that they shouldn't have to do this, the litter is litter, it is going to get to this landfill one way or the other, the probability is that it may have been on its way when it was blown or thrown out, and the cost for this is passed on to the ratepayers around the county who take their trash here. All of the ratepayers then share in the cost for their inconsiderate neighbors. The residents in the area who live with the landfill, also aren't their maids.

It's somewhat ironic that between the time I wrote that last paragraph and the time I write this one, I just drove into town. Just as I was at the intersection of Corbett Canyon Road and Carpenter Canyon, a recycling truck drove by towards SLO and papers were flying out of its closed compartment. I rest my case. It is an impact by and of this project, if the project did not exist here that paper would not have flown out and been left as litter. CCL profits by taking the recycling at this site; they need to pick up what didn't quite make it there.

209. Illegal Dumping, Mitigation Measure EBF/HAZ #7. The EIR brings up a point on page V-181 that some of the residents of the County dump their trash on the neighbor's property outside of the landfill property. But then the EIR doesn't address a mitigation measure for it. While relatively minor, this issue has the largest irritating effect. Sometimes junk gets dumped because they don't want to pay the scale fee or they can't afford the fees. We, as neighbors, then have to take our time to pick it up, and in the event it is big and won't fit in our trash bins, then have to haul it over and pay the tipping fee ourselves.

I suggest a mitigation measure. If and when this occurs, it will not be at the time of the bimonthly service listed in HAZ/mm-2 and no one wants a sofa sitting out in their driveway for 2 months waiting for it to occur. The neighbor should be allowed to bring it over and dump it for no charge. A record would be kept by the landfill of who takes advantage of the program, to insure that no one abuses it or is just dumping their own waste. If one neighbor has a high number of drops, the Environmental Coordinator can investigate to see if there is a matter the sheriff should get involved with or not. As part of the annual litter notification, the neighbors would be reminded of the program.

210. Birds, vectors, and ponds, HAZ Impact #4, Mitigation Measure HAZ/mm-5 and residual impact. Birds that are at the landfill are not a serious risk to the SLO Airport but they also are a nuisance for neighbors who have ponds. I understand that CCL had to put netting on Holland's pond (APN 044-211-003) because the seagulls were attacking it. Having a falcon just moves the gulls to a pond a little further away. The landfill will always attract gulls. How often is the falcon there? Please add information about this problem. I am under the impression that it only comes out periodically.

Please expand this issue to also address the neighbor's ponds. Possibly make the condition that in the event gulls do become a nuisance to the neighbors, CCL will do whatever is necessary to solve the problem for the landowner. I understand that Holland had to threaten a lawsuit before it got CCL's attention. The falcon is the best of the worst solutions (guns, firecrackers, bombs, noise makers), but the residual impact as far as ponds goes are significant, adverse, and unavoidable, not Class II.

211. Vector Issue, Possible Biological Contamination, Mitigation Measure EBF/HAZ #7. There are concerns at the Pismo Beach lagoon with the steelhead population. Department of Fish and Game has issued a draft study titled Pismo Creek/Edna Valley Watershed Plan. The concern as it affects the landfill is that biological materials (poop) from the seagulls in the ponds at the landfill may cause increased levels of coliform and other bacteria that are affecting the steelhead population. Neighbors have complained that stormwater is not contained onsite, and possibly the leachate is not contained on site because the discharge points along Carpenter Canyon many times, even without a rain event, have water flowing. First, what is being done to meet requirements of stormwater runoff, and 2) when there is any runoff, is that runoff sampled to insure the coliform levels are acceptable?

If nothing is being done, I propose a mitigation measure to require CCL to sample quarterly the ponds for bacteria and if it is high, do what is necessary to reduce it. In addition, during the first rainfall event of the year and then periodically throughout the year, the stormwater runoff should be sampled for the bacteria again. Elevated levels need to be reported to RWQCB and the Department of Fish and Game.

212. Water Flowing Offsite. I understand that water has not been contained on the landfill area as it is supposed to be done. Apparently it was bad enough that CCL had to go to the Holland parcel APN 044-211-003 and build some sort of retention basin on the property. What were the facts behind this matter and is it indicative of some other condition that needs to be corrected or mitigated?
213. Compressed Natural Gas Fueling Station. The EIR states on Page III-28 that CCL is planning on installing a CNG facility near the maintenance building. No information has been provided about this facility. How big will the tanks be to fuel the waste collection truck fleet? How much gas will be onsite? Due to fuel standards, you can't just hook up to the utilities' gas line and compress it; the gas in this area has too many impurities to allow that. Compressed gas will have to be hauled in to the site. Where will the trucks come from? How many trucks/day will be required? Will they come up Price Canyon or down 227 thru San Luis Obispo? Will they perform a HAZOPS on the facility? Were these trucks added in the transportation section for air emissions? Will there be a risk analysis of the BLEVE effect with the CNG storage tanks. Due to the volatility of the gas and the volume on site, a RMPP will be required by the State. What is the layout of the CNG facility? There has been no mention of any of this in the EIR. Please provide all of these details and more, so the public can comment on this aspect of the draft EIR.

### Transportation

214. Transportation estimate. Page V-220 shows that vehicle trips are estimated to increase by 200/day. This number doesn't look correct. There are 660 round trips now with the landfill processing 250,000 tons/year (685 TPD). There are 79 existing employees; with a 7 day work week this averages 56 employee one way trips/day, 112 round trips. Taking the liberal assumption that everyone carools with one other person (which they don't), means that of the 660 round trips/day, 548 round trips/day are attributed to bringing in and moving out waste. At 685 TPD input, that makes an average of 1.25 tons/trip. The new permit is for 2,500 tons/day.

The EIR states that there would be an increase of 41 employees (Table III-27), which would be an increase of 29 one-way trips/day (58 round trips) for each employee working 5 days/week. Assuming 100% of them carpool, which is a very liberal assumption, accounts for 58 of the 200 trip increase. Therefore, the net increase of material truck traffic would be 142 round trips/day. With an average of 1.25 tons/trip (the EIR states that the service area and the mix doesn't change), this traffic report is based on a throughput increase of 177 TPD, or a total input of 862 TPD. This is below what the new permitted level would be. This is below the current permitted level. Therefore, this traffic analysis does not reflect the impact this expansion would add to the traffic situation. In fact, it doesn't even reflect the landfill's limit today.

At 2,500 tons/day throughput, this would mean 2,000 one way vehicle trips for the trash (4,000 round trips) plus 58 round trips for the new employees plus 112 round trips for the existing employees. This gives traffic loads of 4,170 round trips, with 660 from the current operations.

Alternatively, where did the 200 trips number come from? With a permit limit margin of 1900 TPD, and 142 round trips could be 71 tractor-trailers, each carrying 26 tons. Is this

the Plan? Where do 71 tractor trailers come from to carry that much trash if they aren't expanding their service area? The EIR assumed load/vehicle must be a permit condition.

This changes everything with regards to this chapter, traffic impacts, road usage, and traffic safety.

"The EIR must serve as a full disclosure document that enables the lead and responsible agencies to fully evaluate potential environmental impacts and the consequences of their decision on a proposed project" (Morro Group, Page I-1). Evaluating Traffic issues at anything other than what would occur at the maximum allowed permit capacity does not meet this requirement or purpose of the EIR. If this impact is evaluated at a maximum of 862 TPD, that should be the permit limit.

### **Socioeconomic Issues**

215. Cleanup and Abandonment, Mitigation Measure EBF/SOC #1. From the initial study checklist, a question was asked, "Who will pay for the cleanup". This was not answered (page 33, item 14). For that matter, nothing about the ultimate abandonment and closure was presented. The 1991 EIR had some points on it, so will those discussions still be valid or are all of those statements now incorrect? The 1991 EIR stated on page 2-45 that the landfill was putting away dollars for the post closure. Is this still being done? How much money has been put away in 18 years? Has the level of payment been adjusted for the increased cost of work and inflation? Is it cash or is it a bond? Looking at how the current economic situation in the country, just because Allied Waste is a big company today does not mean it will be around and in a good financial condition to meet the costs for cleanup.

If a bond has been used, that is unacceptable. A bond is not acceptable because as we have seen firsthand over the last 9 months insurance companies writing these bonds may not be around and have the financial strength for a cleanup, especially if the work exceeds that estimated today. Without any information on this matter provided in the draft, it is impossible to comment on the adequacy of the EIR addressing it. As a minimum, I would assume that the program the state has is set up to protect for inflation and rising (or lowering) costs; if not, we need it here and the amount would need to be reevaluated every 5 years that it was enough. Please add this information to the EIR.

216. Loss of Open Space, Mitigation Measure EBF/SOC #2. Under the previously approved EIR in 1991, page 2-45, upon completing of the filling in 2000, the area the landfill occupies was to be put into a condition consistent with the surrounding terrain; it was to be nonirrigated open space for cattle and AG uses. Many in the area bought their land with this in mind and paid a premium based on that condition. Now, with any sort approval of this project, that open space will be lost for 9 + 25 years or 34 more years. As a mitigation measure for this loss of open space for 1½ generations, prior to the issuance of the Notice to Proceed CCL should be required to purchase a similar parcel of 120 acres in the immediate area and dedicate it to the open space they committed to before. As the immediate neighbors are the ones impacted, they should be the ones who determine if the parcel proposed is acceptable, not the County or others. For instance, buying 120 acres in the Carrizo Plains or the back side of the Irish Hills would not be acceptable. That benefits those residents of Carrizo Plains or of the town of SLO who are not the ones damaged. Maybe the parcel should be a vineyard and convert it back to cattle land, let the neighbors decide.

217. Disclosure of County Income from Landfill. Information needs to be added to show how much money the County takes in from the existence of CCL. Please break it down into the name of the stream of revenue, such as "Franchise Fee-tipping", "Franchise Fee-composting", "Property Taxes", "Composting Sales Taxes", etc.
218. Where the Waste is Coming From. One statement of the current total volume taken in is made, but it is not specified by where it came from and what the material is. Please add a table showing the amount of waste from each of the cities, each of the unincorporated areas, and how much waste is brought in from outside the County. For the waste from outside the County, please specify that as to the type of waste (general, composting, recycling steel, etc.). The information is available because it is requested at the scale house. If the data comes from CCL, please describe the accounting controls the Morro Group has done to insure that the data is accurate and correct, for instance, if CCL states that 3 tons/day of composting material comes in from outside of the County, has the Morro Group made a statistically representative sampling of the hard data to insure that it is correct? It would help to also include in the table how much of this material is hauled in by Allied Waste's trucks (or its affiliates).
219. Source of Raw Materials, Mitigation Measure EBF/SOC #3. The landfill is an intrusion on the neighbors. Its area of service is the western side of San Luis Obispo County. We have a beautiful county. Table III-3 shows that there is an increase of 280 TPD at the MRF from a level of 120 TPD. How much tonnage is now coming in? Table III-3 needs another column showing what the 2008 volumes for each category was. As the population of the County will not increase over 200% in the next few years, where is this material supposed to come from? Most likely it is unknown. This mitigation measure is that no more than 5% of the actual MRF input, of the actual CO input, and of the actual disposal materials can come from outside of the mapped service area. We are not a dumping ground for LA's recycling or trash. This is to address some of the residual Class 1 impacts that cannot be mitigated to insignificance.
220. Issue of use of bonds to guarantee work. As we have seen over the past 9 months, insurance companies and those who write the bonds may not be that stable of entities. After going through the abrupt failure of a AAA bonding company a few years ago, better financial security than a bond should be required, especially those bonds that are in existence for multiple years. Possibly bonds should be allowed, but backed up with a cash escrow account for 150% of the amount of the largest bond holder's exposure. For instance, assume 10 bonding companies are used and the largest bond of the 10 is for \$100,000 with a total exposure of the 10 of \$750,000. Then CCL would put up a cash escrow account in the amount of \$150,000.

#### Alternate Sites not adequately addressed

221. Updates. Page VI-2 needs to be updated based on the EIR comments of what all of the Class 1 impacts now are.
222. No Project Alternative. The statement "The CO, RRP and MRF may be able to increase in waste diverted to them over eight years" needs to be reevaluated based on the issue brought up that the current operation is not approaching its permit limit of 1200 TPD

disposal total, 300 TPD composting, and 120 TPD for the MRF. Without a table showing the current inputs, which must total 685 TPD, it is impossible to state that they may not be able to handle the increased waste. Also, a table should be added in the Project Description showing what CCL projects the volume increases will be and where they are coming from. If the water arguments are correct, the CO can't increase beyond what is taking now. If the MRF is operating at 100 TPD and the projection is that it will increase to 200 TPD (with a showing of how this will occur if SLO is not expanding its population or economic base), maybe an increase in the building is necessary, but not the relocated road, additional modules, etc. etc. The facility as it is now can't even be close to the limit for the landfilling, since only 685 TPD total is coming in and they have permitted capability for 1200 TPD (which they are not proposing to increase), this doesn't affect the No Project Alternative.

The last few statements in the first paragraph address the closure of the landfill. That is what the current permit requires. They already are an impact generated from the 1991 EIR. These need to be reworded, simply stating that this expansion project is only one possible solution to the issue of waste disposal in the County. If the project is not approved, the County must do what it prepared to do 18 years ago. It is not necessarily the only solution, but it needs to be evaluated fully in light of all options like the 1991 County Siting Element did. The option under the No Project is not move the trash to another landfill; it is to reopen the Siting work, update it based how things have changed over 18 years now that people really understand the impacts.

The last three paragraphs should be deleted. They try to address a new rural location and are totally speculating on where it would be. Biological impacts may decrease, there may be no plants; cultural impacts may decrease, ancestors may not have wanted to walk there; air impacts may decrease because being rural, more local people may drop their trash off at a transfer station; the air impacts from odor which is a big problem here may go down because it may be so remote, there is no one there to smell the landfill; aesthetic impacts may be increased, it may be seen from nearby roads and in sight of the coast, bringing in the Coastal Commission; for any point presented here, the opposite can also be made. These types of comments should be made on the respective Alternative Locations Analyses.

By the same token, if the rural location is presented, the urban location needs to be presented. All of this stuff could be done at transfer stations, etc.

I suggest that both issues, rural or urban, be deleted. It doesn't add anything.

The No Project Alternative simply means that the best option is for the County to start work on a new siting project. The other items this Section attempts to address are covered in the points in later paragraphs. To speculate here on whether other landfills can take this waste is premature; it prejudices the potential outcome that siting study would address.

In the transfer of the information to the summary table on Page VI-20, it leaves the Air Quality as a Class I impact. It is true that under this alternative, the air and odor emissions would still occur for 8 years, but then they would go away. I think this should be a Class II impact. I believe the time frame this table addresses is not the immediate, but as with the other alternatives, upon the completion of that alternative. Otherwise, the impacts for the

No Project would be exactly the same as the Proposed Project; a Class I for Noise, Water, Aesthetics, Agriculture, Climate Change, and Hazards.

223. Redesigned Project- Onsite Relocation of Recovery of Facilities. I agree with the comments.

224. Redesigned Project- Offsite Relocation of Recovery Facilities. It is assumed by this option, only the RRP and MRF would be moved. The noise would go down. Air impacts and transportation impacts would go down because Buckley for the MRF is more centrally located to the generators and residential users of those facilities. The output of the recycled material would be closer to 101 to be taken off to the respective recyclers. Climate change gasses would go down because transportation is the largest source of CO2 emissions. Noise at Buckley would not be an issue because it is in an industrial area and there are few, if any, sensitive receptors nearby. If the RRP concept was spread out to 3 areas in the service area, one in Arroyo Grande, one in SLO and one in Morro Bay, they would be feeder stations to the MRF, the Composting and the Landfilling. That is what other landfills do. Based on the current input at CCL, they would all be busy and impacts are further decreased. This option should not be discarded in the preliminary stages as it could be combined with others listed to make a better overall project.

This needs to be retained as a realistic potential alternative because while it retains 7 Class I impacts as the Proposed Project, 5 issues trend downwards.

225. Waste to Energy Alternative. Agreed. Discard it.

226. Option not Addressed: Offsite Relocation of the Composting Operations. As with the option to relocate the RRP and the MRF, this option would be to move the composting to another location. The landfilling operation is not necessary to make the composting work. The composting takes the bulk of the water, makes the noise, makes the odor problems. All of these now are residual Class 1 impacts. If the CO were moved, Water impacts become insignificant, as 129 AFY of water is not taken from a limited aquifer. Noise impacts go to insignificance in numerous key areas, and this being the largest noise source, is the biggest issue. Air Quality impacts (odors) go to insignificance in key areas. The site aesthetics putting the composting at the top of the hill are terrible and would go down but probably remain a Class 1 impact for other reasons. Transportation would go down by locating close to 101 but it already is a Class II residual impact.

Climate Change will stay the same because the emissions of CO2 and methane would be the same at either location; that gas is not being collected or proposed to be collected. Agricultural, Biological, Cultural Resources, Geology, and Hazards would stay the same.

This needs to be retained as a realistic potential alternative because the Class I impacts drop to 4 issues and 2 others are trending down.

227. Option not Addressed: Make this Facility a Transfer Station. This was not even addressed, even though it was brought up in the past. In this option, one would address the landfilling part of the project. This location would become a Transfer Station and the actual landfilling would be done elsewhere. With this, the aesthetic issues go down from Class I since the scaring on the faces of the mount would be gone and there would be no more apparent activity here. Agricultural issues drop to Class II. Air Quality trends down

due to odors being removed, but can't reach Class II because the big odor problems come from composting. Noise issues similarly drop, but composting is the big noise problem so it would not reach Class II by itself. Water issues go down slightly by the reduced demand; again, composting is the big one here. Transportation stays the same because the study indicates that every traffic problem can be mitigated to a Class II impact.

228. Option not addressed, Combining the Alternatives, Relocation the Composting, Relocating the RRP and MRF and Making CCL a Transfer Station. This one gets the best of all three. It combines the features discussed above, and allows those issues that were trending down to become lower levels of significance. There are only 2 residual Class I impacts, Climate Change and Hazards.
229. Redesigned Project Alternative. On the Redesigned project, there would be no change in Agricultural Resources because the land is not good for agriculture; there still is no water. The Class 1 Ag impacts are water based. It should remain a Class I. The Noise changes with this would be insignificant as the big noise is from the composting and filling, not the access road. The dBA drop off is only 3 dBA for a doubling of the distance and the filling area is not being moved twice the distance from the receptors. In the table on page VI-20 it shows the water issue dropping from a Class I to a Class II. This would not be the case and it is not supported in the document. I think it was a typo in the table.
230. Alternative Project Sites Eliminated for Erroneous Reasons. The EIR starts by looking at five outside sites in its universe. It then eliminates Gragg Canyon and Shell Canyon because estate homes have been developed in the canyons and near them. It is ironic, because that is the same thing that has happened in the vicinity of CCL with Edna Ranch West, Edna Ranch East, Corbett Highlands, Varian Ranch, and Tiffany Ranch, all which will be impacted by the Project, but this one has the water issues that the Gragg Canyon and Shell Canyon do not have.

The Alternative Project locations of Little Cayucos North and Sycamore eliminate the water concern at this site. Combined with a Transfer Facility, or multiple transfer Facilities, each could make sense. Sycamore is being eliminated because of hauling distance which impacts GHG and Air Quality. This is not a justification for elimination, because GHG are theoretical and when weighed against our water issues, noise, and air quality (odors), is not material. On the haul distance and increased emissions, CARB standards for trucks reduce these dramatically. An additional 20 mile travels distance is not material.

While understanding that the EIR cannot look at every possibility and it must choose one to look at in detail, I think in this situation, both Ontario and Sycamore should be addressed. It is only 2 pages of the write-up.

231. Alternative Site- Ontario. I assume this part of the analysis is addressing moving the entire project to this site, not portions as suggested in the relocation section above.

The Ontario site needs to be looked at closer. The conclusions made need to be reevaluated in light of the facts brought forth in this letter.

On Air Quality, the air emissions from transportation are not material; the issue on air quality will be odors. That is the largest air issue at CCL. Being more remote from

residents and next to a freeway, air movement is greater and dissipation takes this issue away. I believe on air, this would not be a Class I issue; it would be a Class II issue, if that.

The section on Climate Change is incorrect. There will be no significant change in CO<sub>2</sub> or methane by moving the operation to this site. A facility at either location would generate exactly the same greenhouse gasses as they are being produced by the landfilling action. Currently the gas generated at CCL is combusted in a steam generator at Plains Exploration's Price Canyon oilfield (it is not being used to produce electricity). If combusted in a flare at Ontario, there still are the same carbon molecules going into the air as there are at Price Canyon. The difference, as accurately pointed out by Keith Miller at the meeting, is that with this change, Price Canyon would be purchasing those BTU's from the utility. The operators at Price Canyon told me that the landfill gas amounts to 400 MSCFD of 400 BTU gas. Note that this does not match with what the landfill has indicated that it is producing. The landfill thinks the volume is lower. Using Plain's numbers on volumes (which are higher), it would be purchasing 160 MMBTU/day. Burning this volume of gas generates 3,588 MT of CO<sub>2</sub>/year, which is below any level of significance. CARB's reporting requirements are set at 25,000 MT/year. This is a de minimus emission level and does not warrant increasing the Climate Change impact to a Class 1; it would be the same as the current project.

Noise is shown as a Class II impact and I agree. I would add that the noise of the landfill would also be disguised by the traffic noise of 101, which is an 18-20 hour/day source.

On Transportation, access to the site is easily cured by road projects. The turning by the trucks is really not an issue because they maneuver in the city streets now. The issue with more trucks with soil cover is moot, because that would be an average of 2-3/day; it is offset by 330 waste trucks/day travelling on the rural roads of 227, Price Canyon, and Carpenter Canyon. (Note: CCL no longer uses dirt to cover the trash daily, they use a plastic cover or greenwaste, hence this is not even an issue, there is no dirt cover on a daily basis). Ontario is more centrally located to the generators of trash and compost material; for a truck coming up from Nipomo on US 101, if they go 6 miles up Price Canyon thru 2 lights and city and residential streets at 45 miles an hour or 8 miles up 101 at 65 miles an hour, is no difference. I think the impacts will generally be the same at either location. One project's increases will also have project decreases. On the bike paths, I acknowledge that Ontario Road is used frequently by bikers, but looking at the CCL area, bikers are always on 227 that are a hazard, Corbett Canyon Road which the trucks use as access and locals use going to the dump has no provisions for bikes and bikers are on the road continually. Carpenter Canyon is also a regular bike path.

On Water, as stated elsewhere, nothing can be worse than the CCL site. They may not have groundwater at Ontario, but they could get unlimited amounts for the composting and dust control from the SLO water treatment plant. This would make it a Class II impact.

232. Waste Diversion Alternative. This is the reversal of the three Relocating Options presented above. It keeps the CO, RRP and MRF at the locations and diverts the trash. Although it is sort of similar in concept to my relocating concept, I think it would rate lower than my 3 way relocation option. I suggest that it be replaced with our option.

233. Environmentally Superior Alternative. The authors of the EIR can recommend the No Project Alternative. Based on the comments above about it, it just means the best option,

in light of the very serious Class 1 impacts that can't be mitigated, like no water to even do the project, like noise reflecting off the Edna Valley and Corbett Highlands, like odors permeating the entire valley, like the aesthetics of a gigantic scar in the midst of the prettiest valley in the County, in spite of all of the mitigation measures which may not be effective, is to look harder. No Project simply means, this project has serious matters surrounding it and the EIR consultant recommends that you go back to the drawing board and look to see if there are better choices. The result from the drawing board may be that there is no better choice, this is it. Or it might say that yes, an alternative plan is better.

If the recommendation is the No Project Alternative, CEQA requires the EIR to pick the best of the alternatives. The Revised Table VI-2 is below. From it, it seems obvious that the environmentally preferred alternative is relocating three of the components, the Composting operation, the RRP/MRF operation, and making the current site a transfer station.

	Proposed Project	No Project	Relocating				Redesigned Project	Alternative location
			RRP/MRF	CO	Transfer Station	All Three		
Aesthetic	I	II	I	I↓	II	II	I↓	II
Agricultural	I	II	I	I	II	II	I	II
Air Quality	I	II	I↓	II	I↓	II	I	II
Biological	II	II↓	II	II	II	II	II	I
Climate Change	I	n/a	I↓	I	I	I	I	I
Cultural Resources	II	II↓	II	II	II	II	II↓	II
Geology	II	II	II	II	II	II	II	II↑
Hazards	I	II	I	I	I	I	I	I
Noise	I	II	I↓	II	I↓	II	I↓	II
Transportation	II	II↓	II↓	II↓	II	II	II	II
Water	I	II	I↓	II	I↓	II	I	II
Total Class 1 impacts/trending	7	0/3↓	7/5↓	4/2↓	5/3↓	2/0↓	7/2↓	3/1↑

I hope these comments will be taken seriously in reviewing the EIR. I again commend all of the consultants and authors of this report. I can see their efforts in it and can appreciate their independent and impartial analysis.

Thank you allowing me to submit these comments. As you review these comments, if you have any questions, please contact me at (805) 544-2153 or by email at [brucefal@yahoo.com](mailto:brucefal@yahoo.com). I look forward to your responses.

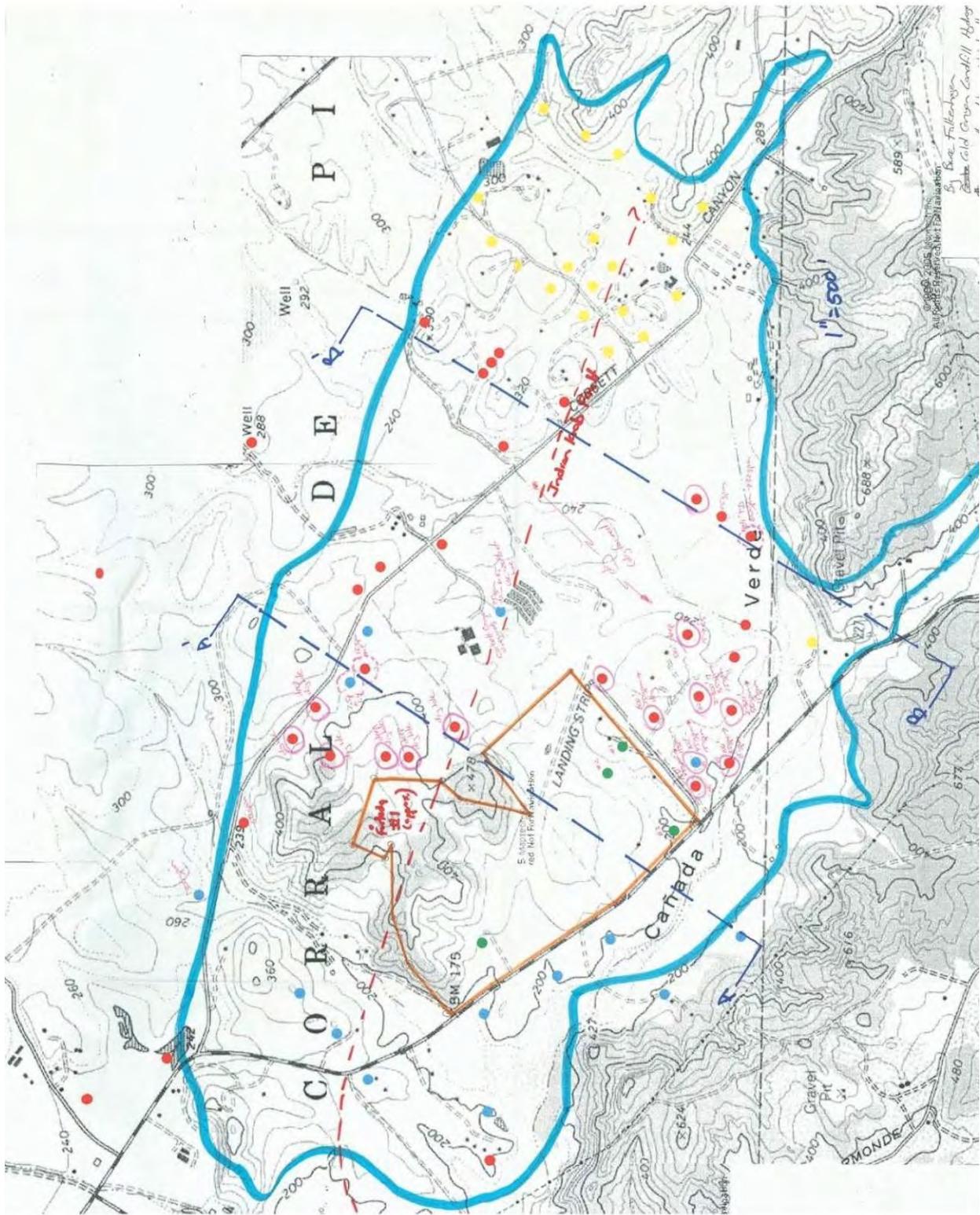
Sincerely,



Bruce Falkenhagen

3/16/09 Comments on Draft CCL EIR

Page 69 of 69



**Response to Letter from Bruce Falkenhagen,  
dated March 16, 2009**

*\*For ease of reading, the commenter's numbering system will be utilized.*

Comment No.	Response
BF-INTRO	<p>This portion of the comment letter is an introduction to the remaining letter. This introduction provides the opinion of Mr. Falkenhagen regarding the size of the project and the environmental study, amount of time needed to provide EIR comments, a suggestion that a new EIR be prepared, that the project has substantial problems, and an offer to meet with the project applicant. It should be noted that subsequent to Mr. Falkenhagen's submittal of comments, the 2009 DEIR was recirculated (as the 2011 RDEIR) and contained wholly revised Hazards and Hazardous Materials, Noise, and Water Supply sections. For ease of tracking responses to comments in the FEIR, the commenter's numbering system will be utilized.</p>
BF-1	<p>This comment states that under the 1991 EIR the Landfill was to be closed around 2000 and with recycling and other efficiencies would close around 2015. Under the current County permit, the landfill would "close" when it has reached full capacity. The Conditional Use Permit issued by the County of San Luis Obispo in 1991 for the current Landfill operation did not specify a closing date for the Landfill or an expiration date on the permit. The permit was issued and, as long as capacity remains, will be valid for as many years as the Landfill requires. The proposed project may be considered a modification as the project components are similar to those that currently exist, although in the case of the RRP and the MRF, the capacity of each component would increase. The EIR examined alternatives to the proposed project, per CEQA, and determined that the "Redesigned Project Alternative" is the Environmentally Superior Alternative. No changes to the FEIR are necessary.</p>
BF-2	<p>This comment states the current application and mitigation measures must look back at the existing permit. As is also stated in this comment, the EIR is not a referendum on the existing permit. The EIR evaluates the impacts that would result from the proposed project taking into consideration the baseline physical conditions (per CEQA Guidelines Section 15125(a)). In the case of this project, the baseline conditions are considered to be at the time of the County's distribution of the 2006 Notice of Preparation. Historical knowledge regarding compliance with previous permit conditions has informed the analysis in some cases. For example, fugitive trash control was required in previous permits and by state law; however it is clear that even general compliance with those rules and efforts made by the applicant in the past, when applied to the proposed project, would not be enough to mitigate impacts to a less than significant level. No changes to the FEIR are necessary.</p>
BF-3	<p>This comment recommends that a condition be added that generally requires a permit review clause should a condition of approval not be effective as originally proposed. As currently proposed the applicant would need to receive a Notice to Proceed prior to the initiation of each new module. If there are 7 new modules and the disposal activities would be active for approximately 25 years, then a formal "review" of permit conditions may occur approximately once every three to four years. Additionally, the County has included AES/mm-2 which will require the applicant to fund a County approved individual to monitor the Landfill's compliance with and success of project mitigation measures. This measure will become, if the project is approved, a condition of the project's approval. In essence, this condition would provide a similar level of assurance provided by the example measure used by the County of Santa Barbara and referenced in this comment. No changes to the FEIR are necessary.</p>

Comment No.	Response
BF-4	<p>This comment seeks answers to how the County would follow-through with enforcement of conditions when there may not be incentives/disincentives available for motivation. Enforcement of permit conditions varies depending on the type of violation. In the example provided, it is likely that the applicant would be allowed to proceed if they provided a proposal for compliance that satisfied the Department of Planning and Building and met the spirit of the law. In cases where there would be imminent risk to public safety (for example lack of water quality monitoring or failure to create the top deck berm required for aesthetic and noise mitigation in the Draft EIR), the Notice to Proceed would not be issued. The County does ultimately have the authority to consider revocation of use permits in certain situations as was demonstrated by the County Planning Commission hearing in November 2010 regarding the compost operation. No changes to the FEIR are necessary.</p>
BF-5	<p>This comment states that when preparing the FEIR, the cost for mitigation measures should not be of concern. In recommending mitigation measures, CEQA Guidelines Section 15126.4(a)(1) states that mitigation measures must be feasible. Measures recommended in this EIR have been recommended with the prime objective of minimizing or eliminating environmental impacts. The project applicant, through the permit and EIR hearing process, has the ability to contest mitigation measures on the grounds of economic infeasibility and the decision-makers have the ability to negate measures that they may deem too costly. If this is the case however, there may be the need to provide a statement of overriding considerations as elimination of mitigation measures can sometimes increase impact levels. No changes to the FEIR are necessary.</p>
BF-6	<p>This comment states that mitigation measures recommended in the comment letter are cumulative and all must be implemented – not just a select few. It should be noted that subsequent to the circulation of the 2009 DEIR, for which these comments address, there have been revisions to the project description. The most notable revision has been the elimination of the open windrow compost operation. In eliminating this element of the project, a number of issue area impacts were reduced, the primary example being those associated with water consumption. Without the compost operation, the proposed project would utilize 24.3 acre feet per year less of water. Therefore, mitigation measures recommended in throughout this comment letter may not all still be applicable. Per CEQA, if there is no nexus between an impact and a mitigation measure, it cannot be recommended. No changes to the FEIR are necessary.</p>
BF-7	<p>This comment outlines what the commenter believes are incorrect assumptions for determining reasonable worst case scenarios for impacts in the EIR. The commenter is correct that water consumption associated with the compost operation had previously been incorrectly determined. The Water Resource section of the 2009 Draft EIR has been significantly modified and was revised and recirculated in May 2011. Subsequent to recirculation of the 2011 RDEIR, the applicant removed the compost operation from the project description, resulting in further revisions to the Water Resources section (please refer to the revised and recirculated Section V.K., Water Resources, of the FEIR for more information). However, the analysis of air quality, noise, traffic, and greenhouse gas emissions starts by using data of existing conditions, not permitted limits, then builds in the necessary (or reasonable worst case scenarios) for various issues areas. Calculating increased water use associated with increased MRF or RRP processing limits, based on current use at these facilities, is a good example of this process. No changes to the FEIR are necessary.</p>
BF-8	<p>This comment raises concern over the general nature of Figure III-4 which shows the “approximate” service area utilized by the Landfill. The commenter is correct in that the map is an approximate area of where the material that arrives at the Landfill originates. It is not meant to be deceptive in any way. The Landfill’s service area is described as generally including the north</p>

Comment No.	Response
	coast and southern San Luis Obispo County communities including San Simeon, Cambria, Cayucos, the City of Morro Bay, Los Osos, the City of San Luis Obispo, the City of Pismo Beach, the City of Arroyo Grande, the City of Grover Beach, Oceano, and Nipomo, similar to the Coastal Region identified in the Siting Study. Some waste from northern Santa Barbara County is also accepted at the Landfill. No changes to the FEIR are necessary.
BF-9	This comment addresses composting operations. In September 2010, the Landfill temporarily stopped implementation of open windrow compost activities. Green waste and wood waste continued to be processed (i.e., chipped/ground) as ADC for the working face of the landfill or hauled to an out-of-county facility. As of December 2011, the applicant requested that the project (as evaluated in this FEIR) be amended to permanently eliminate the compost operation (using open windrow or any other technology) from future consideration. Green waste and wood waste processing would remain part of the proposed project. Green waste is being processed on the top deck of the Landfill and wood waste is being processed in the location near the former compost operation. Therefore, the sections of the FEIR referenced in this comment have been revised to show consistency with this revision to the project.
BF-10	This comment points out an incorrect permit name. The FEIR text has been amended in Table III-7, of Section III, Project Description.
BF-11	This comment addresses project timing. The EIR mitigation measures address future impacts resulting from the proposed project. Each measure includes a timing component or a milestone at which time they would be required to be implemented. Providing a time certain date is infeasible as the need for expansion is dependent on economic conditions and population growth. With respect to portions of this comment relating to the compost operation, please refer to BF-9 response. No changes to the FEIR are necessary.
BF-12	This comment states that Figures III-9a and 9b are difficult to read. These figures have been reproduced using upgraded files and should be easier to read in the FEIR.
BF-13	This comment asks which figure is correct, Figure III-10 or the one Fugro used that is shown in the appendix. Figure III-10, of Section III, Project Description, correctly identifies the monitoring wells and proposed water supply wells as well as where, in relation to maintenance buildings, the wells are located. No changes to the FEIR are necessary.
BF-14	This comment states that Figure III-11, of Section III, Project Description, can be difficult to read. The comment is acknowledged as correct. The circles and numbers correspond to oak tree locations and size. These are also identified in Appendix C and the Biological Resources section (refer to Figure V.D.-1). The proposed screening areas shown in Figure III-11 are different from the screening required by the aesthetics mitigation measures. The Landscape plan shown in Figure III-11 would need to be updated accordingly. No changes to the FEIR are necessary.
BF-15	Comment noted on parcel labeling. No changes to the FEIR are necessary.
BF-16	This comment states that the roof pitch of the MRF is inconsistent with the 3:12 pitch limit. To reduce visibility of the MRF, the roof pitch would most likely not meet the pitch standards noted in 22.108.030(2g). The text in Table IV-3 has been changed accordingly.
BF-17	This comment asks if the power lines are underground. Utilities are not proposed to be located underground and the text of the FEIR has been amended to reflect this clarification.

Comment No.	Response
BF-18	This comment states that employment centers with over 100 people are required to have one bus shelter and one bus pull-out within one-quarter mile. There are currently no bus lines that run within one-quarter mile of the facility, and it is unlikely that there will be in the future. This policy was therefore not considered relevant. Pedestrian access is not considered feasible or necessary in the case of the Landfill. No changes to the FEIR are necessary.
BF-19	This comment notes titles for land use ordinance sections may be incorrect. Land Use Ordinance sections that were incorrect have been modified.
BF-20	<p>This comment requests a change to the consistency evaluation due to the commenter's latter comments on water resources. Subsequent to public review of the 2009 DEIR (from which these comments derive), the County wholly revised and recirculated the Water Resources section as part of the 2011 RDEIR. Comments were then prepared on the revised 2011 Water Resources section and the County therefore had two sets of Water Resources section comments. In this scenario of there being two sets of comments for two different Water Resources sections, CEQA Guidelines outline options for the County as Lead Agency on how to handle the dual set of comments. The County, in the case of this project, elected to provide notice in the 2011 RDEIR that CEQA Guidelines Section 15088.5(f)(2) would be applicable. This section reads as follows:</p> <p><i>When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.</i></p> <p>Given the guidance provided by CEQA to a lead agency that is faced with the scenario of a dual set of comments, responses to the referenced 2009 Water Resources comments (i.e., first set of comments) have not been prepared as the comments (and associated responses) on the 2011 Water Resources section take precedence. Please refer to Section XI of this FEIR for responses.</p> <p>It should be further noted that the response to this comment also applies to the 2009 DEIR comments pertaining to the other two sections that were recirculated (i.e., Hazards and Hazardous Materials and Noise).</p>
BF-21	This comment states that the term "potentially inconsistent" seems fuzzy. Section IV, Environmental Setting, is consistent with this comment in that it identifies the project as being "potentially inconsistent" with applicable agricultural land protection policies. The Planning Commission and/or Board of Supervisors is responsible for final General Plan consistency determinations – hence the usage of the term "potentially" in the EIR. No changes to the FEIR are necessary.
BF-22	This comment raises concern over the statement in the EIR describing the existing conditions on the date the NOP was published in 2006. The commenter recommends that this statement should be overridden due to the need to update information, due to the length of time taken to process the EIR, and due to the expiration of the statute of limitations. The lead agency has discretion over what is considered an appropriate baseline for analysis of impacts that would result from a proposed project. In the case of a project such as this where it has taken a long time to process the EIR and where sections of the EIR have been recirculated for public review, the County has

Comment No.	Response
	taken into consideration the extended timeframe and has requested updated information be included in the EIR analysis (e.g., with respect to water resources and noise). For issue areas such as cultural resources (which are less dynamic), this is less important. This section of the FEIR has been revised to reflect this response.
BF-23	This comment states all information relating to the project must be made available to the public and posted on-line. Public documents, such as monitoring reports and data, are made available to the public regularly by the County Department of Planning and Building Environmental Coordinator's Office either in hard copy at the County office or on-line. One exception is Cultural Resources information, which may be withheld to reduce the risk of trespass, vandalism, and theft of those resources. No changes to the FEIR are necessary.
BF-24	This comment states that the applicant will need to fund a noise monitor for the County's exclusive use and that person must be readily available to deal with public concerns, including taking noise readings. Please refer to BF-4 above regarding the County's plans and objectives for monitoring of the proposed project should it be approved. Additionally, there will be integration with the monitoring described in BF-4 with measures such as NS/mm-1, NS/mm-6 and 7, and others. No changes to the FEIR are necessary.
BF-25	This comment requests that changes made to impacts and mitigation measures are carried forth to the Summary table. These revisions to the FEIR have been made as applicable.
BF-26	This comment requests that the conditions of approval for the various permits that the project is currently operating under be included in the FEIR. As part of the 2010 compost operation Planning Commission revocation hearing, the County prepared a staff report that included 1991 Landfill operation conditions of approval (COA), 1996 compost operation COA, and 2001 compost operation COA. This staff report and the referenced COA were included as Appendix J in the 2011 RDEIR and are included as Appendix J in the FEIR. No changes to the FEIR are necessary.
BF-27-108	<p>These comments are under the heading of water and apply to either water supply or water quality. Please refer to the BF-20 response on the issue of the County's approach to responding to the dual set of comments on this EIR. The Water Resources section of the 2009 DEIR was one of three sections requiring recirculation in 2011 because during the 2009 public comment period, it was determined that the future water demand of the compost operation (CO) was substantially underestimated. When the 2009 Draft EIR was prepared, the proposed project included raising the permitted maximum capacity of the CO from 300 to 450 tons per day (tpd) (a 50 percent increase). To estimate future water demand, existing water demand was multiplied by a factor of 1.5. However, it was suggested in public comment (and confirmed by the applicant) that the CO was not operating at the full permitted capacity of 300 tpd, but rather at approximately 100 tpd. As a result, the existing water demand should have been multiplied by a factor of 4.5 to account for an increase from 100 tpd to 450 tpd. Addressing this error required additional technical analysis of the Landfill's water supply and demand.</p> <p>The additional technical analysis of the Landfill's water resources was performed in 2009 and 2010. The work performed is summarized in one report titled Technical Memorandum No. 2, Well Pump Test Analysis and Water Demand Audit (Fugro, 2010) (refer to Appendix G). The report indicates that the water supply and demand analysis used in the 2009 Draft EIR included errors in addition to the one described above relating to the CO, including potential overestimation of the capacities of the onsite water wells. Additional information on this issue can be found in the Water Resources section and Appendix G.</p>

Comment No.	Response
	<p>An additional factor that has resulted in further revision to the Water Resources section, subsequent to recirculation of the 2011 RDEIR, is the removal of the CO, as described in BF-9. As is pointed out by the commenter in BF-82, the CO would have been a significant source of groundwater use associated with the proposed project as formerly proposed (approximately 70% of the total water demand). With elimination of the CO from future consideration the overall water demand increase associated with the proposed project would be approximately 10%.</p> <p>Therefore, the Water Resources section was revised on two occasions since the distribution of the 2009 DEIR as a result of the new on- and off-site testing, additional evaluation of water resource supply, and elimination of the CO. In this case, the comments received as part of the DEIR (i.e., Nos. 27 – 108 provided as part of this comment letter) are superseded by comments received on the Water Resources section of the RDEIR. Water Resources comments on the DEIR are therefore not responded to (per CEQA Guidelines Section 15088(f)(2) whereas comments received on the Water Resources section of the RDEIR are (refer to Section XI of the FEIR).</p>
BF-109-140	<p>These comments are under the heading of noise. Please refer to the BF-20 response on the issue of the County's approach to responding to the dual set of comments on this EIR. The Noise section of the 2009 DEIR was one of three sections requiring recirculation in 2011 because during and after the 2009 public comment period numerous complaints were filed by neighbors to the Landfill prompting the County to initiate additional noise studies to be used to supplement the 2009 DEIR.</p> <p>The additional technical analysis of Landfill related noise was performed in May 2010 and September 2011. The work performed is summarized in one report titled Acoustical Analysis, Cold Canyon Landfill (Brown-Buntin 2010) and another memorandum titled Updated Traffic Noise Analysis (Brown-Buntin 2011) (refer to Appendix E). An additional factor that has resulted in further revision to the Noise section, subsequent to recirculation of the 2011 RDEIR, is the removal of the CO, as described in BF-9.</p> <p>Therefore, the Noise section was revised on two occasions since distribution of the 2009 DEIR as a result of the updated technical information relating to noise and elimination of the CO. In this case, the comments received as part of the DEIR (i.e., Nos. 109 - 140 provided as part of this comment letter) are superseded by comments received on the Noise section of the RDEIR. Noise comments on the DEIR are therefore not responded to (per CEQA Guidelines Section 15088(f)(2)) whereas comments received on the Noise section of the RDEIR are (refer to Section XI of the FEIR).</p>
BF-141	<p>This comment states that the Landfill is to be shut down in 2015, that in 2015 all air quality emissions are to cease, and that this scenario should be the base case. The comment also states that the emissions associated with the project should be considered New Source and that BACT and offsets are potentially required. In response, the Landfill's existing land use permit is not set to expire and the Landfill is not required to close or cease operations until they have reached their maximum capacity. The baseline for the proposed project is the existing operation, approximately at time of the issuance of the NOP (October 2006). Data from 2006 was provided by the Landfill and this was generally used to indicate the "current" operations and to assist in projecting future operations and associated impacts and required mitigation measures. The emissions resulting from the proposed expansion are considered a new source in that the resulting impacts require mitigation, including implementation of BMP's and BACT. The applicant is required to prepare a closure plan two and half years prior to closure. In the case of the existing project, should the</p>

Comment No.	Response
	expansion not be approved, the closure plan would need to be submitted in 2015 as closure is not expected until 2018. No changes to the FEIR are necessary.
BF-142	This comment states the air issue needs to be checked in relation to the throughput increase. The air quality analysis is based on the Landfill operating at 100% capacity in 2040 (at 2,350 tons per day maximum – which has subsequently been reduced to 2,050 tons per day with removal of the compost operation). Historic data shows that the Landfill very rarely operates at 100% capacity and has an average of 56% tonnage received of the maximum allowable 1,620 tons. The comment also questions calculation of Landfill methane emissions resulting from increasing the size of the compost operation. As stated above, the compost operation has been removed from the project description and from future consideration as part of the project being evaluated in this EIR. Potential methane emissions, which included a 450 ton per day compost operation, were calculated using existing conditions (baseline year 2006) and comparing them to the proposed project. Refer to Appendix B. No changes to the FEIR are necessary.
BF-143	This comment states that composting emissions are not shown in the EIR. Emissions related to composting have been included in the Climate Change/Greenhouse Gas Emissions section of the Final EIR (refer to Section V.E.5.a. and Table V.E.-1). As stated above, the proposed compost operation has been removed from the proposed project. No changes to the FEIR are necessary.
BF-144	This comment states that there are no methane emission calculations for the landfill and asks where the calculations can be found. Emissions related to landfilling have been included in the Climate Change/Greenhouse Gas Emissions section of the Final EIR (refer to Section V.E.5.a. and Table V.E.-1). No changes to the FEIR are necessary.
BF-145	This comment asks why the proposed project is not subject to AB 2588, the Toxic Hot Spots program. The EIR addresses AB 2588 (refer to Air Quality Section V.C.1.e(1)). In this section it is stated that the Air Toxics Hot Spots Information and Assessment Act (AB 2588-1987) (referred to as the ATHS program) requires a statewide air toxics inventory and notification of local residents of significant risk from nearby sources. A 1992 amendment to the law (SB1731) requires that the risk be reduced from these significant sources. The Landfill is currently not in the Air Toxics Hot Spot (ATHS) program. The Landfill operators submitted Solid Waste Assessment Reports prior to 1987 in compliance with Health and Safety Code (H&SC) 41805.5, commonly referred to as the Calderon Bill. Thus, SLOAPCD Rule 308, ATHS Fees are not applicable. Compliance with the Calderon testing program exempts the Landfill from the ATHS program H&SC 44325. No changes to the FEIR are necessary.
BF-146	This comment requests that the most recent Odor Impact Minimization Plan be included in the EIR. An updated version (2010) was included in Appendix J (Exhibit N) of the RDEIR and is also included in the FEIR. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the FEIR for more information. No changes to the FEIR are necessary.
BF-147-154	These eight comments ask questions and address issues relating to the Landfill's acceptance of bio-solids, such as what bio-solids consist of (147), what is an acceptable bio-solid (148), pre-treatment of bio-solids (149-150), and odors associated with bio-solids (151-154). The project description included within the 2009 DEIR included acceptance of bio-solids as a potential "feedstock" for the composting process; however, the acceptance of bio-solids as a feedstock component of the compost operation was removed prior to circulation of the 2011 RDEIR and, as has been mentioned above, the compost operation has completely removed from the proposed project. The Landfill currently has permits (RWQCB Waste Discharge Permit and Solid Waste

Comment No.	Response
	Facilities Permit) to accept wastewater treatment plant bio-solids; however, the Landfill states that because they do not accept bio-solids because they do not have the proper sub-surface liners in place. The Landfill does not accept sludge. Sludge is not the same as bio-solids and consists of the untreated material taken from septic tanks. No changes to the FEIR are necessary.
BF-155	This comment states that the since the County failed to address odors in the Negative Declaration prepared as part of issuance of the land use permit for the compost operation in 2001, the odor must now be fully addressed and cannot be considered a pre-existing right. The issue of odors generated by the Landfill and former compost operation were addressed in the 2009 DEIR (Section V.C., Air Quality) and in the 2011 RDEIR (V.H., Hazards and Hazardous Materials). As part of these evaluations, odor was not considered a pre-existing right and all efforts are made to reduce impacts relating to odors to the greatest degree possible. As noted above, the compost operation, the primary source of odor complaints leading up to the November 2010 compost operation revocation hearing, has been removed from future consideration as part of the proposed project. No changes to the FEIR are necessary.
BF-156	This comment addresses the timing associated with 2009 DEIR AQ/mm-4 and AQ/mm-6 and the fact that they were tied to "less than 300 TPD" for the compost operation. It should be noted as part of recirculation of the 2009 DEIR and preparation of the 2011 RDEIR, these measures were either eliminated, revised, or moved to the Hazards and Hazardous Materials section. In addition, as noted above, the compost operation has been removed from the project description as part of the FEIR. As a result, it is not possible to respond to this particular comment. Please refer to odor comments and responses on the 2011 RDEIR in Section XI of the FEIR.
BF-157-167	These eleven comments address issues relating to the odor complaint response process (157-162), the threshold for which aerated static pile technology is implemented (163), implementation of bio-filtration for odor control (164), odors related to gas extracted and volume collected (165-166), and transfer of the compost operation to another location more than two miles from the Landfill (167). It should be noted as part of recirculation of the 2009 DEIR and preparation of the 2011 RDEIR (which also took into consideration the actions taken at the 2010 Compost operation Revocation Planning Commission hearing), information relating to odor issues were revised, or moved to the Hazards and Hazardous Materials section. In addition, as noted above, the compost operation has been removed from the project description, resulting in a reduction of odors, odor issues, and odor complaints. As a result, it is not possible to respond to these particular comments. However, odor comments raised as part of circulation of the 2011 RDEIR have been responded to (refer to odor comments and responses on the 2011 RDEIR in Section XI of the FEIR).
BF-168	This comment on Section V.A., Aesthetic Resources, acknowledges the high quality of the existing visual environment. It also notes that the Landfill is noticeable and the engineered embankments are apparent. This section of Highway 227 is not an officially designated scenic highway and, therefore, the analysis correctly notes that the CEQA threshold regarding applicable state scenic highways does not apply. AES Impact 2 states that, "The interim and final topography of the Landfill would silhouette above ridgelines as viewed from Highway 227, Corbett Canyon Road and Price Canyon Road, significantly impacting the short and long term visual quality of the surrounding area" and that impacts would be significant and unavoidable. No changes to the FEIR are necessary.
BF-169	This comment asks whether the MRF would be expanded or not. The project description states that the MRF would be expanded from 55,000 square feet to 68,800 square feet. The contour lines

Comment No.	Response
	on Figures III-9 and the shading on Figure III-10, of Section III, Project Description, could be used to approximate the new size. No changes to the FEIR are necessary.
BF-170	This comment asks how, if certain sections of the Landfill currently do not support vegetation cover, is it proposed to be rectified in the future. AES/mm-3.c requires the applicant to plant native species as cover material on interim and final slopes. The species included would be predominately grasses, as these are least likely to damage the cover. No changes to the FEIR are necessary.
BF-171	This comment addresses timing of construction of the berm on the top deck to shield the compost operation from view before it is moved to the top deck. The compost operation has been eliminated from the project description, as discussed above, but the applicant has retained in their project description the ability to process green waste and conduct other staging operations on the top deck. AES/mm-4 requires that Prior to Notice to Proceed, that applicant shall construct the top deck berm. AES/mm-5 sets the timeline for remaining portions of the berm around the top deck to be within one year, taking into consideration the outline of the top deck will evolve as the closest modules are completed. No changes to the FEIR are necessary.
BF-172	This comment asks how the berm on the top deck can be implemented if the Landfill has a maximum permitted elevation of 500 feet. The elevation of the final cover would be approximately 500 feet. The green waste processing and staging activities would be situated at the 500-foot elevation. Implementation of the berm would require the working height of the Landfill to be higher than 500 feet – ranging from 510 to a maximum of 525 feet with the berm in place (refer to Conditions of Approval in the County Staff Report for further details). No changes to the FEIR are necessary.
BF-173	This comment states that even after the berm on the top deck is built, particularly with trucks and other Landfill-related activities being visible on the working face and roadways throughout the project site, impacts would still remain significant and unavoidable. AES Impact 10, addressing the cumulative impacts of the proposed project, recognizes the visibility of ongoing operations and recommends the impact is significant and unavoidable. No changes to the FEIR are necessary.
BF-174	This comment addresses the visibility of the proposed project. The intent of AES/mm-4 is to reduce the visibility of the green waste and staging operations as seen from public roads and places. Views from private property (adjacent properties) are not regulated by the County of San Luis Obispo and are not considered in the EIR analysis. No changes to the FEIR are necessary.
BF-175	This comment addresses the visibility of the access road. Views from private property are not regulated by the County of San Luis Obispo and are not considered in the EIR analysis. The landscape plan required by AES/mm-13 requires screening along the entire Landfill-Highway 227 frontage. The access road to the top deck would need to change locations during construction of the modules. Any screening benefits suggested in the proposed mitigation measure may be offset given the number of activities ongoing at the Landfill. No changes to the FEIR are necessary.
BF-176	This comment asks why only the structures are screened and not the remainder of the operation. The EIR includes mitigation measures to reduce aesthetic impacts associated with aspects of the Landfill that are not structures: AES/mm-4 requires construction of top deck berm for shielding of the green waste processing; AES/mm-10 requires aesthetic treatments be applied to stockpiles; and, AES/mm-13 requires screening along the Highway 227 frontage owned by the Landfill so as to reduce impacts of the Landfill. No changes to the FEIR are necessary.

Comment No.	Response
BF-177	This comment provides recommendations for improving the screening of the Landfill. AES/mm-13 suggests that more than oak trees may be used. It also suggests using 15-gallon trees at minimum, with the exception of oak trees. The EIR preparer agrees with the commenter that oak trees may be difficult to grow. There is no data to suggest that oak trees planted from 5 or 15-gallon containers are more successful than ones grown from one-gallon containers. Standard County mitigation measures for impacts to oak trees generally require one gallon trees be planted. No changes to the FEIR are necessary.
BF-178	This comment takes issue with the condition specifying monitoring of landscape screening for ten years and suggests a longer timeframe in the event that landscaping fails to accomplish objectives within the proposed 10 year monitoring period. AES/mm-9 requires that the applicant monitor the trees for no less than 10 years, or until the vegetation is established. It clearly states that additional monitoring would be required until the vegetation is adequately established. No changes to the FEIR are necessary.
BF-179	This comment addresses RRP and MRF screening. The screening is designed to address the visibility of the structures from public roads and places. In this case, the structures may be most visible from Highway 227, although it is also important that they are not visible from other public roads and places. Given the geography and parcel shapes, views from Highway 227 may be from both the south and west. Views from private property (adjacent properties) are not regulated by the County of San Luis Obispo and are not considered in the EIR analysis. No changes to the FEIR are necessary.
BF-180	This comment raises the concern of construction activities and stockpiles degrading long- and short-term visual quality. AES Impact 10 addresses changes to the visual character due to the proposed project. Given that there are already stockpiles on the property in use, the proposed project would not necessarily impact the existing setting in regards to visibility of stockpiles – particularly once AES/mm-10 is implemented. No changes to the FEIR are necessary.
BF-181	This comment states NS/mm-2 does not help AES Impact 6 (which identifies aesthetic impacts associated with stockpiles) because NS/mm-2 deals with relocating the entrance. NS/mm-2 requires the timely implementation of the NS/mm-1, a Noise Mitigation Plan. The commenter is correct in that NS/mm-1 and -2 do not directly reduce AES Impact 6 and the appropriate revisions to the FEIR have been made to reflect elimination of NS/mm-1 and -2.
BF-182	This comment requests that the colors for building materials be included in the EIR. These colors are difficult to reproduce accurately in a document but are available for review in the Munsell Book of Colors at the County Department of Planning. The colors have been tested and accepted by the County as those most appropriate for enabling the blending of buildings and structures into the surrounding landscape. No changes to the FEIR are necessary.
BF-183	This comment recommends that there be no glow at night from lights associated with the MRF. AES/mm-12 requires this mitigation. In the event that the mitigation is not being met, it may be addressed through the mitigation monitoring process, code enforcement, or during review of the project prior to issuance of a subsequent Notice to Proceed (e.g., not issue subsequent Notices to Proceed unless the applicant comes into compliance). No changes to the FEIR are necessary.
BF-184	This comment asks about potential access road lighting, including pole height. The lights, if located on the access road, may be no higher than necessary to meet minimum safety requirements (AES/mm-12) and to meet the objective of reduced nighttime light and glare. No changes to the FEIR are necessary.

Comment No.	Response
BF-185	This comment raises the issue of landscaping not being successful after ten years. AES/mm-8 and 9 assure subsequent monitoring and success of landscaping requirements. If landscaping is not successful after ten years and the bond has run out, the County still has the option of requiring the applicant to comply with the conditions of approval through code enforcement actions and other means. No changes to the FEIR are necessary.
BF-186	This comment notes that the intermediate pictures in the Section V.A. photo-simulations show a bucolic rural road with no traffic and that each simulation should have 6-8 vehicles and trucks shown. The pictures used in the photo-simulations were taken during a day when the Landfill was active and are, therefore, accurately depicting traffic on Highway 227 in the vicinity of the Landfill, although admittedly they are only "snapshots" in time. Adding additional trucks to the pictures would not change the analysis nor necessarily be more reflective of the current or future views of traffic on Highway 227. Equipment and trucks are visible on the Landfill property in the photo simulations. No changes to the FEIR are necessary.
BF-187	This comment states that because AES Impact 2 results in a significant and unavoidable adverse impact, a transfer facility must be considered. Section VI, Alternatives of the FEIR examines a number of alternatives, two of which involve the expansion site not being utilized for waste disposal and instead involving the transfer of waste to other locations. These two alternatives do not include the actual construction of waste transfer facilities; however, they closely represent the end physical result from an impact standpoint of what a transfer facility would look like and what not using the expansion site would look like. Section VI, Table VI-2 shows that Aesthetic impacts would be reduced to a level of less than significant as the commenter notes. No changes to the FEIR are necessary.
BF-188	This comment describes the distribution of the various and common types of agriculture in the Edna Valley (e.g., row crops, vineyards). No changes to the FEIR are necessary.
BF-189	This comment requests that all water supply portions of the Agricultural Resources section be corrected. Since publication of the 2009 DEIR, there have been additional water studies completed (leading to recirculation of the DEIR) as well as revisions to the Project Description which affect water usage. Based on these studies and water supply use changes, applicable portions of the FEIR Agricultural Resources section have been amended.
BF-190	This comment request that statements pertaining to noise be updated. The Water Resources and Noise sections of the Draft EIR were revised and recirculated in May 2011; therefore, this comment is no longer applicable. Refer to response to comment BF 27-108 and BF 109-140 above for a detailed discussion on this matter.
BF-191	This comment notes a portion of Table II-2 that was blank in the 2009 DEIR. Text has been added to Table II-2 and all blanks have been filled in the FEIR.
BF-192	This comment takes issue with off-site easements for use as compensation and mitigation (BR/mm-3.a.) for loss of oak trees. The loss of native oak trees and oak woodlands is a significant issue in San Luis Obispo County and the State of California, hence the need for SB 1334. The measure would be most effective at mitigating impacts close to the impact area; however this is not always feasible and the mitigation provides flexibility to the applicant in complying with the measure and for the County in enforcement of the measure. No changes to the FEIR are necessary.
BF-193	This comment takes issue with BR/mm-3.b., which requires payment for removal of oak trees as an alternative to establishing a conservation easement. The commenter's issue is that it does not

Comment No.	Response
	provide enough of a disincentive to tree removal. This mitigation measure however is an accepted form of mitigation required by the County of San Luis Obispo and, as noted above, provides flexibility to the applicant in complying with the measure and for the County in enforcement of the measure. No changes to the FEIR are necessary.
BF-194	This comment takes issue with mitigation measures AES/mm-3 and 10 and others requiring seeding and planting of finished slopes. The intent of those measures is to maximize the use of plants occurring in native habitats. This would reduce visual impacts and have some positive impact on local ecology. However use of all pure natives may not always be feasible given the soil conditions and need to protect the final cover from destruction by deep or heavily rooted species. Species used may change over time and therefore it may not be appropriate now to define specific species that could be used. No changes to the FEIR are necessary.
BF-195	This comment seeks clarification on use of acronyms within the Cultural Resources section of the EIR. "PR" has been used when discussing paleontological resources and "AR" when discussing the more traditionally considered cultural resources such as archaeological resources. Paleontological and archaeological resources are sub-disciplines under the overall heading of cultural resources. No changes to the FEIR are necessary.
BF-196	This comment, similar to comment BF-195, seeks clarification on acronyms in the Cultural Resources section. Please refer to response BF-195 above. No changes to the FEIR are necessary.
BF-197	This comment addresses the analysis of climate change impacts. The Impact Assessment and Methodology section indicates that the analysis assumes a linear rate of garbage production would occur and uses that to assess potential future emissions. In any event, subsequent reporting required by GHG/mm-1 and 2 require monitoring of GHG emissions and prohibit GHG emissions to exceed current rates. No changes to the FEIR are necessary.
BF-198	This comment suggests that Figure V.G.-2 be consistent in scale to Figure III-8 so as to show the entire Landfill boundary. This is not necessary and the local geologic information being portrayed in V.G.-2 includes the entire site as well as an area around the perimeter of the site. No changes to the FEIR are necessary.
BF-199-211	These twelve comments ask questions and address issues relating to the Landfill's acceptance of bio-solids (199-203), acceptance of medical waste (204), litter control (205-209), birds/vectors (210-211). The proposed project no longer includes acceptance of biosolids as compost operation feedstock and the even though the Landfill currently has permits for acceptance of bio-solids, they do not accept and dispose of this material because they do not have the proper sub-surface liners in place. The Hazards and Hazardous Materials section of the Draft EIR was revised and recirculated in May 2011. The listed comments are, therefore, no longer valid. All comments received on the revised and recirculated Section V.H., Hazards and Hazardous Materials, are included in Section XI, Response to Comments on 2011 RDEIR, of the Final EIR.
BF-212	This comment requests information regarding the Landfill having to construct a retention basin on the Holland property. Discussions with the Landfill, who also discussed the issue with the Holland property owner, Mr. Ron Holland, revealed that the construction of the pond on the Holland property did not involve the Landfill. The pond serves no purpose to the Landfill in terms of storm water control. Mr. Holland has the ability to divert Landfill runoff into the pond via a weir system to refill the pond when it is low. The presence of the pond on the Holland property does not appear to be indicative of operational or environmental issues associated with the Landfill. No changes to the

Comment No.	Response
	FEIR are necessary.
BF-213	This comment seeks clarification regarding the compressed natural gas facility mentioned in the EIR. The EIR states that “a compressed natural gas fueling station has been constructed,” and that “the facility would be relocated near the new maintenance building.” The facility is not new and is currently located near the existing entrance. The CNG facility is not proposed to be greater in size or different in configuration or layout – just relocated to the area of the RRP. No changes to the FEIR are necessary.
BF-214	This comment states that the vehicle trips associated with the proposed project may have been underestimated and that a methodology utilizing tons per trip per vehicle may be more appropriate. The project daily and peak hour trip generation estimates were revised to reflect the tonnage per day methodology documented in the June 20, 2009 letter prepared as part of the response to this comment (refer to Appendix F). For average operation conditions, the estimated ADT increased to 1,020, which is approximately 18.6% higher than originally estimated in the DEIR Transportation section. The project a.m. and p.m. peak hour trip generation estimates were also increased by approximately 19% to account for the tonnage per day methodology. In addition, the revised traffic analysis also included an evaluation of the “permit limits” scenario as requested in the comment. The information provided by the traffic engineer in response this comment does not change the conclusions in the 2009 DEIR. Refer to Section V.J.5.a. Transportation and Circulation for revisions to the FEIR.
BF-215	This comment asks why information and analysis of Landfill clean-up and abandonment is not presented in the EIR. The process for clean-up and abandonment would not change with respect to the proposed project. Closure activities will be performed consistent with a final closure management plan prepared by the applicant and reviewed and approved by the RWQCB and CalRecycle. The final closure plan will include a description of the area to be closed, proposed final cover, environmental monitoring and control systems, site security, schedule, etc. The costs for “cleanup” and closure of the landfill are regulated by CalRecycle and the RWQCB. Those agencies are responsible for evaluating potential clean-up costs and determining whether or not the appropriate amount is available. No changes to the FEIR are necessary.
BF-216	This comment cites the 1991 EIR for the previous expansion of the Landfill and the Project Description for the document which stated that the site’s post-closure end use would “be maintained as non-irrigated open space for cattle grazing and agricultural purposes”. The comment further states that prior to Notice to Proceed for the proposed expansion, a mitigation measure should be included requiring the applicant to purchase 120 acres of open space. No change is anticipated as part of post-closure land uses on the site should this proposed expansion be approved, therefore, there is not a nexus to require preservation of 120 acres as part of this FEIR. No changes to the FEIR are necessary.
BF-217	This comment requests that income generated by the County due to the existence of the Landfill be included in the EIR (e.g., Franchise Fee-tipping, etc.). This is not relevant to the environmental analysis, no changes to the FEIR are necessary.
BF-218	This comment states that in addition to total volume taken in, the type of material and location of its origin should also be provided. In addition, the comment questions the EIR preparers accounting controls to ensure this information is accurate. For the purposes of this EIR, the County determined that this level of auditing would not be required and that acceptance of the applicant submitted records on waste intake would be adequate. It is unclear how the information would

Comment No.	Response
	affect the outcome or conclusions associated with the analysis. No changes to the FEIR are necessary.
BF-219	This comment states that the Landfill is an intrusion on the neighbors and questions MRF volumes. The MRF would increase intake from 120 tons per day (TPD) to 400 TPD. The baseline for the project has been set for 2006 for intake of waste for the purpose of being able to finish the EIR. If information continually changes in the baseline it has ramifications on timeline for completion of the EIR. The comment also recommends that the EIR place a limitation on where waste can be shipped-in from. The Landfill indicates that although waste comes from out of the area, it is minimal and they are not required implement such a limitation. The recycling is not just related to population. Recycling has become more commonplace due to public education and regulations. No changes to the FEIR are necessary.
BF-220	This comment states that bonds are not a stable entity for guaranteeing work and therefore the bonds should be backed-up by the Landfill by cash. The financial assurances are regulated by the CalRecycle and the RWQCB. The landfill will need to be in compliance with those regulations prior to issuance of the Notice to Proceed. No changes to the FEIR are necessary.
BF-221	This comment states that the Alternatives section should be updated to be consistent with all other changes in the EIR. Changes have been made as applicable.
BF-222	This comment states that the amount of diverted waste needs to be reevaluated because the Landfill is currently not approaching its permit limit. This statement is based on observed trends over the last 5 to 10 years and is part of a qualitative assessment of the No Project alternative. With respect to closure there is no timeline or end date set to the Landfill's existing Land Use Permit that they can continue to accept waste until such time as the Landfill has reached capacity. The comment goes on to recommend deletion of the No Project alternative discussion; however, this discussion is required per CEQA Guidelines, Section 15126.6. It is difficult to determine what would happen if the project were not approved and the Landfill closed. The analysis attempts a reasonable analysis based on existing information and has been modified based on information in the 2011 RDEIR.
BF-223	This comment states agreement with discussion of the Redesigned Project Alternative; therefore, no response or changes to the FEIR are necessary.
BF-224	This comment states that this alternative would appear to shift impacts from one location to another. All possible alternative locations were not evaluated, nor does CEQA require it. The possibility of permitting three new RRP's would appear to be a relatively difficult task, considering the issues raised for the proposed project. No changes to the FEIR are necessary.
BF-225	This comment states agreement with not carrying forward a waste to energy alternative; therefore, no response or changes to the FEIR are necessary.
BF-226	This comment states that an alternative should be added to the EIR addressing relocation of the compost operation. Because the applicant has removed the compost operation from further consideration from the proposed project, the significant impacts associated with that formerly proposed facility have been eliminated. Without the compost operation and the related significant impacts, it no longer makes sense to include such an alternative in the EIR. No changes to the FEIR are necessary.
BF-227-228	This comment states that the EIR evaluation of alternatives does not consider all future solutions or alternatives. The fundamental premise of an EIR alternatives analysis, per CEQA Guidelines,

Comment No.	Response
	<p>Section 15126.6, is that an EIR include a reasonable range of alternatives to the proposed project – not all possible alternatives. As part of determining a reasonable range of alternatives, an EIR must also take into consideration whether they will feasibly attain most of the proposed project's basic objectives – but would avoid or substantially lessen any of the significant effects of the project. In this case, the project objectives consisted of 1) providing cost effective, long-term waste diversion capacity while helping local communities meet state-mandated waste diversion goals; 2) providing cost effective, long-term disposal capacity while maintaining consistency with the County-wide Siting Element, and optimizing fill space on the project property; and, 3) providing a well-engineered and environmentally sound operation that meets or exceeds federal, state, and local standards to minimize the impacts of waste diversion and disposal activities, and protects and enhances the site's sensitive biological resources. The EIR started with an initial screening of seven preliminary alternatives, and then taking into consideration the above factors, narrowed the analysis down to four alternatives (one of which examines five off site alternatives). Given the guidelines for preparation of an alternatives analysis, it appears that this section, per the CEQA Guidelines, provides a thorough and adequate discussion of future solutions or alternatives to the proposed project. No changes to the FEIR are necessary.</p>
BF-229	<p>This comment states disagreement with specific impact reductions associated with the qualitative evaluation of the Redesigned Project Alternative. Based on revisions to the Hazards, Noise, and Water Resources sections of the EIR, in addition to the applicant's removal of the compost operation from the Project Description, these determinations have been revised. In the 2009 DEIR, the Redesigned Project Alternative was selected as the Environmentally Superior Alternative and as a result of the above revisions it remains the Environmentally Superior Alternative. No changes to the FEIR are necessary.</p>
BF-230-231	<p>This comment states that the Ontario and Sycamore sites should not have been eliminated as part of the alternatives screening process. A key reason these sites were eliminated from further consideration in the EIR was because the Cold Canyon Landfill is existing, and therefore not all impacts are new. For the other sites, any impacts identified would be new to that site and therefore more severe in some cases. The statement "it must choose one to look at in detail" is not accurate. No changes to the FEIR are necessary.</p>
BF-232	<p>This comment suggests replacing the Waste Diversion Alternative with the alternative suggested as part of BF-228 (i.e., relocating the RRP, MRF, and CO, and making the Landfill a waste transfer station). As stated above, the EIR evaluates a reasonable range of alternatives, not all possible alternatives. In addition, the alternative suggested in the referenced comment would not meet key objectives of the project applicant, which includes on-site burial of waste. No changes to the FEIR are necessary.</p>
BF-233	<p>This comment states that the authors of the EIR can recommend the No Project Alternative as the Environmentally Superior Alternative. CEQA requires that if the No Project Alternative is the environmentally superior, then it should be noted, but that another environmentally superior alternative should be selected among the other alternatives. The EIR has taken this approach and after revisions to various EIR sections, due to recirculation of the DEIR, the Redesigned Project Alternative, remains the environmentally superior alternative. No changes to the FEIR are necessary.</p>

Comment on EIR for Cold Canyon Landfill 3-16-2009

David Goldeen

715 & 705 Dixie Ln. (formerly Libretto Ln.)

San Luis Obispo, CA 93401

805/ 801-7128

To Whom it may concern:

The EIR is deficient in many places, my personal opinion is that the county is going to approve the project regardless of the impact it has on the neighbors.

- 1) Water, Bruce Falkenhagen is covering this subject in great detail and you must take his comments seriously. If we have no water our land is worthless and if we have no water because the landfill is taking it all then both the county and landfill are financially responsible to the neighbors. The biggest user of water is the compost, moving the compost to another location will or should resolve the water issue. DG-1
- 2) Smell, this can be so bad at times that it is almost unbearable, and some neighbors of the landfill smell it more often than others. Once again moving the compost to another site will or should dramatically reduce or eliminate the smell problem. DG-2
- 3) Noise, DG-3
- 4) Mold, this is once again caused by the compost. I do not believe the EIR takes this into consideration at all. Mold is a bio-toxin even those that are not allergic to it can have their health affected by long term exposure to it and those that are allergic to it have health issues related to it on a daily basis. DG-4
- 5) Litter, the landfill and garbage companies must be made to clean up road side trash in at least a 2 mile radius of the landfill, however, I would like to see that at a 5 mile radius. Currently the landfill only does a marginal job. On the days the pick up trash it looks good, however, it is not done often enough. DG-5
- 6) New entrance, this will be more of a hazard then there already is. DG-6
- 7) Compost, where as I believe municipal composting is a good idea I do not believe it should be done in a place or a manner that affects any of its neighbors in anyway. Moving the compost will mitigate most of the problems. DG-7
- 8) Longevity of the landfill. I believe that this current plan is very short sighted; we will be throwing trash away for longer than 25 more years. Let's look into the future and come up with better why to dispose of our trash or better yet re-use our trash for things like bio-fuels. DG-8

Conclusion: I am strongly against the proposed expansion of the Cold Canyon Landfill. It is short sighted, there does not seem to be plans to create another landfill in the county. The compost create problems that are unavoidable and for this reason must be moved to a different location, its excessive water consumption, odor, mold and noise as stated above. DG-9

**Response to Letter from David Goldeen,  
dated March 16, 2009**

Comment No.	Response
DG-1	This comment states that the water comments made by Bruce Falkenhagen must be taken seriously. Please refer to responses to Mr. Falkenhagen's comments above and in the following section which includes comments made by Mr. Falkenhagen on the 2011 RDEIR. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. As a result, water consumption by the proposed project has been reduced by 24.3 acre feet per year – a substantial portion of the project previously proposed. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR.
DG-2	This comment raises smell issues pertaining to the compost operation. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that odor impacts previously identified, which took into consideration the compost operation, would be reduced without it being a component of the project. However, the Landfill, without the compost operation, would still result in odor impacts and these have been identified as significant. With implementation of mitigation measures, odor impacts would still be considered significant and unavoidable. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.
DG-3	This comment states Noise. Subsequent to public review of the 2009 DEIR (from which these comments derive), the County wholly revised and recirculated the Noise section as part of the 2011 RDEIR. Comments were then prepared on the revised 2011 Noise section and the County therefore had two sets of Noise section comments. In this scenario of there being two sets of comments for two different Noise sections, CEQA Guidelines outline options for the County as Lead Agency on how to handle the dual set of comments. The County, in the case of this project, elected to provide notice in the 2011 RDEIR that CEQA Guidelines Section 15088.5(f)(2) would be applicable. Given the guidance provided by CEQA when a lead agency is faced with this scenario, responses to the referenced 2009 Noise comments have not been prepared as responses to the 2011 Noise section comments are now most applicable. Refer to Section XI of this FEIR.
DG-4	This comment raises concern over molds caused by the compost operation. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that mold issues previously identified, which took into consideration the compost operation, would be reduced without it being a component of the project. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.
DG-5	This comment states the Landfill must be made to clean-up roadside trash in at least a two mile radius. The EIR requires a substantial litter control plan be implemented, including a litter control phone number to deal with operator-based refuse that is found along haul routes within a five mile radius (refer to HAZ/mm-2). Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR.
DG-6	This comment states the new entrance will be more of a hazard. Data in the EIR demonstrates that stopping distance on Highway 227 at the existing and proposed driveway locations is adequate for vehicles traveling at 75 to 80 mph. Stopping sight distance from the vertical curve located 860 feet

Comment No.	Response
	north of the driveway is adequate for 65 to 70 mph. This vertical curve crest also limits the line of sight looking north from the proposed driveway location. Based on the Caltrans 7.5 second criterion, corner sight distance for vehicles exiting the proposed driveway and proceeding south would be acceptable for 65 to 70 mph. Because there would be adequate stopping sight distance at the proposed driveway location for vehicles traveling on Highway 227 entering and passing the Landfill, impacts are considered less than significant. That conclusion was reviewed by the County Department of Public Works and Caltrans. No changes to the FEIR are necessary.
DG-7	This comment raises issues pertaining to the compost operation. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that odor impacts previously identified, which took into consideration the compost operation, would be reduced without it being a component of the project. However, the Landfill, without the compost operation, would still result in odor impacts and these have been identified as significant. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.
DG-8	This comment states that the current plan of extending the life of the Landfill is very shortsighted and that we should come up with ways to better dispose of our trash. The EIR includes an analysis of alternatives which, per CEQA Guidelines 15126.6, is considered a reasonable range of alternatives to the proposed project. As part of determining a reasonable range of alternatives, an EIR must also take into consideration whether they will feasibly attain most of the proposed project's basic objectives – but would avoid or substantially lessen any of the significant effects of the project. In the this case the project objectives consisted of 1) providing cost effective, long-term waste diversion capacity while helping local communities meet state-mandated waste diversion goals; 2) providing cost effective, long-term disposal capacity while maintaining consistency with the County-wide Siting Element, and optimizing fill space on the project property; and, 3) providing a well-engineered and environmentally sound operation that meets or exceeds federal, state, and local standards to minimize the impacts of waste diversion and disposal activities, and protects and enhances the site's sensitive biological resources. The EIR started with an initial screening of seven preliminary alternatives, and then taking into consideration the above factors, narrowed the analysis down to four alternatives (one of which examines five off site alternatives). Given the guidelines for preparation of an alternatives analysis, it appears that this section is in fact serious and comprehensive. No changes to the FEIR are necessary.
DG-9	This comment states opposition to the proposed expansion and cites it as being shortsighted due to various environmental issues such water consumption, odor, mold, and noise. Comments made in this letter regarding water consumption, odor, and mold have been responded to in DG-1, DG-2 and 7, and DG-4 respectively. Please refer to Section X.C., Approval/Denial, Need, and Consideration of the Project above. No changes to the FEIR are necessary.

March 16, 2009

To whom this may Concern:

I am writing you this letter expressing my concern regarding the purposed Cold Canyon Landfill Expansion. I have lived across the street from the Landfill for 28 years and have seen the traffic increase and the mountain increase in size dramatically. It has changed our view from our house to the east completely we can no longer even see the mountain range to the east. I am concerned for many reasons but very concerned about the purposed composting project. There have been many days in the past that the smell of mold/fermenting waste is thick in the air. The smell is not every day but it is a very real problem. This makes me worry about the air quality that my family lives with each day. This purposed composting project is going to be taking so much of our ground water, is there going to be enough water for the surrounding people that live in this neighborhood? What effect is it going to have on the long term for our water resources? I feel that you should consider moving the composting to a different location in the community. Why not move it closer to where the majority of the waste is coming from? Have you thought about another location? How about next to the Waste Water Treatment Plant over by Prado Road? It is near the freeway so there is already loud noise of cars (unlike our neighborhood that is a beautiful country road) and there is plenty of water that could be used for composting (unlike our neighborhood there is not a large supply of water). And not to mention that most the waste comes from the city center so the trucks would not have to drive it so far and use so much fuel.

NR-1  
NR-2  
NR-3

My family is also very worried about the fact that the first draft of the EIR has found so many Environmental Resources are going to be affected **significantly** and the effect is **Unavoidable**. So how can the county even begin to think it is okay to keep expanding this dump that has been here and has affected its neighbors for long enough. If you were looking for a new site for the landfill would the beautiful Edna Valley be your choice to put your landfill? We feel that a different location is needed for San Luis Obispo's garbage. Thank you for taking your time to listen to our concerns as they are very real concerns. This is going to impact our land forever.

NR-4

Sincerely,

Natalie Risner

125 Tolosa Place

San Luis Obispo, CA 93401

**Response to Letter from Natalie Risner,  
dated March 16, 2009**

Comment No.	Response
NR-1	This comment states a high level of concern over the compost operation due to the smell, mold in the air, and the air quality. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. It is expected that odor, mold, and related air impacts previously identified, which took into consideration the compost operation, would be reduced without it being a component of the proposed project. However, the Landfill, without the compost operation, would still result in odor impacts and these have been identified as significant. Please refer to the revised and recirculated Section V.H., Hazards and Hazardous Materials, of the Final EIR more information. No changes to the FEIR are necessary.
NR-2	This comment asks how the compost operation would affect water supply. As noted in the FEIR and several responses above, the open windrow compost operation has been eliminated by the applicant from future consideration as part of this EIR. As a result, water consumption by the proposed project has been reduced by 24.3 acre feet per year – a substantial portion of the project previously proposed. Please refer to the revised and recirculated Section V.K., Water Resources, of the Final EIR.
NR-3	These comments ask if an alternative location for the compost operation has been examined. Please refer to responses NR-1 and NR-2 above.
NR-4	This comment states that a different location is needed for San Luis Obispo's garbage due to the number of impacts associated with the project. The EIR includes an analysis of a reasonable range of alternatives which takes into consideration other locations in San Luis Obispo County. As part of this alternatives analysis, the applicant's project objectives also have to be taken into consideration. The environmentally superior alternative, the one that reduces impacts the greatest, was identified as a redesigned project – at the existing location. No changes to the FEIR are necessary.

This page intentionally left blank.