

XI. RESPONSE TO COMMENTS ON 2011 RECIRCULATED DRAFT EIR

A. INTRODUCTION

This chapter of the Final EIR presents copies of all of the comment letters received on the 2011 Recirculated Draft EIR (RDEIR). A total of 16 comment letters were received on the RDEIR. The comment letters contained approximately 470 comments. The comment letters have been numbered and given written responses. This volume has been broken down into three sections.

- Federal, State, and Local Agencies 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 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 first set of comments in the previous section, Section X). The County requested that reviewers of the 2011 RDEIR limit comments to the three resource 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 2011 RDEIR (i.e., Hazards and Hazardous Materials, Noise, and Water Resources). 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 (California Code of Regulations [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 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 Project, the Applicant submitted a Conditional Use Permit application for review in conformance with County requirements. An initial step by the County 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 RDEIR 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

Commenters 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 May 2011 Recirculated 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	July 12, 2011	XI-5
San Luis Obispo County Integrated Waste Management Authority 870 Osos Street San Luis Obispo, CA 93401	IWMA	June 24, 2011 July 14, 2011	XI-8
County of San Luis Obispo Air Pollution Control District 3433 Roberto Court San Luis Obispo, CA93401	APCD	July 8, 2011	XI-13
State of California Natural Resources Agency Department of Resources Recycling and Recovery (CalRecycle) 801 K Street, MS 19-01 Sacramento, CA 95814	CR	July 11, 2011	XI-16



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 12, 2011

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

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 July 11, 2011, 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,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (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; DRC2005-00170
Lead Agency San Luis Obispo County

Type EIR Draft EIR
Description Note: Recirculated DEIR

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 & Price Canyon Rd
Parcel No. 044-171-014, et al
Township **Range** **Section** **Base**

Proximity to:

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

Project Issues Noise; Solid Waste; Toxic/Hazardous; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Air Resources Board, Major Industrial Projects; 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; Department of Fish and Game, Region 4

Date Received 05/26/2011 **Start of Review** 05/27/2011 **End of Review** 07/11/2011

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

**Response to Letter from State Clearinghouse,
dated July 12, 2011**

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.

San Luis Obispo County Integrated Waste Management Authority

IWMA BOARD MEMBERS

John Hamon, President
City of Paso Robles

Jim Patterson, Vice President
San Luis Obispo County

Tim Brown,
City of Arroyo Grande

Tom O'Malley,
City of Atascadero

Phyllis Molnar,
City of Grover Beach

Carla Borchard,
City of Morro Bay

Ted Ehring,
City of Pismo Beach

John Ashbaugh,
City of San Luis Obispo

Paul Teixeira,
San Luis Obispo County

Bruce Gibson,
San Luis Obispo County

Adam Hill,
San Luis Obispo County

Frank Mecham,
San Luis Obispo County

Greg O'Sullivan,
Authorized Districts

Bill Worrell, Manager
Carolyn Goodrich, Secretary
Peter Cron, Staff Analyst
Patti Toews, Program Director
Raymond A. Biering, Counsel

870 Osos Street
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FAX 805/782-8529
E-mail: iwma@iwma.com

Recycling, Compost & Haz.
Waste Info. 800/400-0811
School Programs Information
805/782-8424

June 24, 2011

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: Recirculated Draft Environmental Impact Report
for the Cold Canyon Landfill Expansion

Dear Mr. McKenzie:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion (draft EIR). The San Luis Obispo County Integrated Waste Management Authority (IWMA) is a regional agency that includes the County, the 7 cities, and 10 special districts. Under the adopted Joint Powers Agreement the IWMA is responsible for meeting the requirements of AB 939. We have been exceeding the CalRecycle waste diversion goal since 1995 and in 2010 we diverted 69% of waste generated in San Luis Obispo County from landfills.

IWMA-1

This draft EIR is of special interest to the IWMA in that the Cold Canyon Landfill plays a critical role in maintaining adequate landfill disposal capacity. The San Luis Obispo County Integrated Waste Management Plan Siting Element, adopted in 1995, gives priority for maintaining adequate disposal capacity to the expansion of the existing landfills. For example, the Chicago Grade Landfill was expanded in 2007 and now the Cold Canyon Landfill is in the process of expanding.

IWMA-2

The Cold Canyon Landfill has also played a key role in achieving our diversion goals. The diversion operations at the Cold Canyon Landfill have been implemented to support the programs required in the San Luis Obispo County Integrated Waste Management Plan.

IWMA-3

 Printed on 100% recycled (100% post-consumer) paper

The draft EIR mitigation measure HAZ/mm-13 would require the Cold Canyon Landfill to enclose the composting operation or implement an alternative composting technology such as Anaerobic Digestion (AD) if odors continue to be a problem. On page V-199, the draft EIR includes the following quote from the CalRecycle Draft Program EIR for AD facilities: *"... the collection, transport, storage and pre-processing activities of the potentially odiferous organic substrates for digestion and the resultant digestate could produce nuisance odor at AD facilities. In addition, the siting of these digester facilities could lead to objectionable odors at off-site receptors in the vicinity."*

IWMA-4

The above quote is from the CalRecycle Draft Program EIR for AD facilities section: "Impact 5.2: Operation of AD facilities in California could create objectionable odors affecting a substantial number of people (Significant)." What the Cold Canyon Landfill draft EIR failed to do was to include the next sentence of the quote which is: *"Mitigation measures shall be implemented in order to ensure the potential nuisance impact associated with odors would not affect a substantial number of people."*

IWMA- 4

The Cold Canyon Landfill draft EIR then goes on to say: *"... additional environmental review would likely be required. Because of these issues, odor impacts at this time would be considered significant and unavoidable (Class 1)."* This statement is not consistent with the CalRecycle Draft Program EIR for AD facilities. Based on the odor mitigation measures, the CalRecycle Draft Program EIR for AD facilities concludes: *"Impact Significance After Mitigation: Less than Significant."*

IWMA-4

The CalRecycle Final Program EIR for AD facilities addressed, not only odor, but all the environmental impacts of AD facilities including noise and water use. In Section 1.6 Summary of Significant Impacts and Mitigation Measures it states: *"As indicated in the table, all the impacts could be mitigated to a less-than-significant level with the implementation of the mitigation measures."* Based on the CalRecycle Final Program EIR for AD facilities, CalRecycle has adopted an anaerobic digestion initiative that includes:

IWMA-5

"It is the policy of CalRecycle to encourage the development of AD facilities in California as an alternative to the landfill disposal of organic solid waste. Specifically, as an initial measure, CalRecycle will encourage the establishment of in-vessel digesters located at existing or new solid waste facilities and in areas zoned for industrial or solid waste handling activities".

In conclusion, based on the CalRecycle Final Program EIR for AD facilities and the adopted CalRecycle AD initiative, the IWMA believes that the implementation of mitigation measure HAZ/mm-13 is consistent with CalRecycle policy. In addition implementation of this mitigation measure will result in less than significant environmental impacts in every category including odor, noise and water use, thus additional environmental review would not be required.

IWMA-6

Sincerely,

William A. Worrell, P.E.
Manager

San Luis Obispo County Integrated Waste Management Authority

IWMA BOARD MEMBERS

Jim Patterson, President
San Luis Obispo County

Ted Ehring, Vice President
City of Pismo Beach

Tim Brown,
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E-mail: iwma@iwma.com

Recycling, Compost & Haz.
Waste Info. 800/400-0811
School Programs Information
805/782-8424

July 14, 2011

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

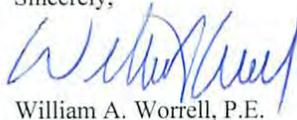
Subject: Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion

Dear Mr. McKenzie:

Because of the July 11, 2011 deadline to provide comments on the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion (draft EIR), the San Luis Obispo County Integrated Waste Management Authority (IWMA) Board of Directors did not have an opportunity to meet prior to the deadline and thus was not able to provide comments.

Instead of the Board of Directors submitting a comment letter, I submitted a comment letter dated June 24, 2011. This letter was presented to the IWMA Board of Directors at the July 13, 2011 Board Meeting. The Board of Directors voted unanimously, with the 3 County Board of Supervisor Members abstaining, to endorse the June 24, 2011 comment letter.

Sincerely,



William A. Worrell, P.E.
Manager

cc: James Patterson, President

IWMA-7

**Response to Letters from San Luis Obispo County
Integrated Waste Management Authority,
dated June 24, 2011 and July 14, 2011**

Comment No.	Response
IWMA-1	This comment outlines the role and jurisdiction of the Integrated Waste Management Authority (IWMA) and also notes that the IWMA has been exceeding the CalRecycle goals since 1995. The FEIR notes the regional significance of the proposed project and describes the waste diversion characteristics of the existing operation and proposed project. No changes to the FEIR are necessary.
IWMA-2	This comment states that the Cold Canyon Landfill and the EIR addressing expansion of the facility is of special interest to the IWMA so as to maintain adequate landfill disposal capacity. This comment does not warrant a response and no changes to the FEIR are necessary.
IWMA-3	This comment states that the Cold Canyon Landfill facility has played an important role in the IWMA meeting waste diversion goals. This comment does not warrant a response and no changes to the FEIR are necessary.
IWMA-4	<p>This comment addresses HAZ/mm-13 of the RDEIR which requires the applicant to enclose the compost operation facility portion of the project if HAZ/mm-9 through HAZ/mm12 are not effective in eliminating odors. Subsequent to circulation of the RDEIR for public review, the applicant, in December 2011, requested that their project be amended to permanently eliminate the compost operation (using windrow technology) from future consideration. Green waste and wood waste processing (chipping/grinding) remain part of the proposed project and is evaluated were as part of this EIR. Green waste and wood waste are used as alternative daily cover (ADC) for the working face of the Landfill, or is hauled to an out-of-county facility.</p> <p>Because application for the proposed project would no longer include a compost operation (i.e., windrow or any 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 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.</p> <p>Because the applicant has made this revision to their proposed project, HAZ/mm-13 has been eliminated from the FEIR (as have other compost operation mitigation measures) therefore the comments put forth by the IWMA are no longer applicable. No further changes to the FEIR are necessary.</p>
IWMA-5	This comment outlines the benefits of the Program EIR prepared by CalRecycle when used in evaluating and permitting anaerobic digestion (AD) facilities. Due to the revisions to the EIR, as a result of the applicant choosing to eliminate the compost operation from their project description, this comment is no longer applicable. No further changes to the FEIR are necessary.
IWMA-6	This comment states that implementation of the now deleted HAZ/mm-13 mitigation measure is consistent with the adopted CalRecycle initiative and policy. Refer to responses IWMA-4 and 5 above. No changes to the FEIR are necessary.

Comment No.	Response
IWMA-7	This letter outlines the IWMA's process, in working with their Board of Directors, for formalizing submission of their June 24, 2011 comment letter and in itself does not warrant a response. No changes to the FEIR are necessary.



July 8, 2011

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

Subject: Cold Canyon Landfill Expansion Conditional Use Permit (DRC 2005-00170)
 Recirculated Draft EIR

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 Recirculated EIR for the Cold Canyon Landfill Expansion. The Recirculated EIR addresses hazards, noise and water.

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.**

SPECIFIC COMMENTS

Page III-16 and V-177 Greenwaste handling

As indicated in the Recirculated EIR, the applicant has voluntarily suspended operations at the compost facility in September (page V-177). Since that time, greenwaste has been

- 1) used as alternative daily cover for the working face of the landfill and,
- 2) transferred to another out of county facility.

Transporting greenwaste out of the county has the potential for significant air quality impacts due to additional heavy duty diesel truck trips and exposure of residence along the haul route to diesel particulate matter which is consider a toxic air contaminant. **The impacts from this hauling operation should be evaluated if there is a net increase in the number of haul trips from existing operations. Any further evaluation should include criteria pollutants, greenhouse gases and toxic air contaminates from the additional hauling.**

APCD-1

Page V-193 Human Health Risk Assessment

The health risk evaluation failed to address the risk from diesel particulate matter that would result from the diesel powered equipment that is used at the composting facility should these operation recommence on site. The sources of diesel particulate matter include but are not limited to, the tub grinder, haul trucks,

APCD-2

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 info@slcleanair.org • www.slcleanair.org

loader, windrow tuner, and trammel screen. The APCD recommends that diesel particulate matter emissions be evaluated in both the screening level and full health risk assessments. These emissions could be included in any baseline air monitoring evaluation program propose as part of HAZ/mm-8. There are several ways to mitigate diesel particulate emissions. **APCD recommends that these measures be implemented if composting operations are re-established.**

APCD-2
(cont'd)

- Install a windbreak (i.e. evergreen trees) to reduce diesel particle matter from being transported off site.
- Install diesel particulate control devices on diesel equipment.

V-199 Alternative Approach

Modification to the existing facility may require a permit modification. Prior to implementing any changes to the composting facility the operator should consult with the APCD. **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-3

Page 12, Appendix I, Assessment of Potential Impacts to Public and Workers Health

APCD-4

The statement is made that there are “3 reasons why a Human Health Risk Assessment would be prepared for a site that potentially emits toxic air contaminants or bioaerosols:

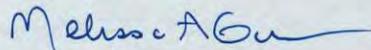
1. A facility is required to do so by law or regulation.
2. A health risk is suspected and the presence and degree should be confirmed.
3. A health risk is not suspected and a risk assessment is conducted to confirm this lack of impact and provide assurances to the community.”

The report goes on to state that “ it was determined from a review of the San Luis Obispo County Air Quality Management District files that the preparation of a HRA is not required by law or regulation.”

It should be noted that new development would be covered by the APCD CEQA Guidelines. Section 3.5.1 of these guidelines addresses facilities that have the potential to emit toxic air contaminants. This section would be applicable to new development at the landfill and composting facility.

If you have any questions regarding this matter please feel free to contact me at 802-781-4667.

Sincerely,



Melissa Guise
Air Quality Specialist

MAG/arr

H:\Plan\CEQA\Project_Review\3000\3100\3139-5\3139-5.doc

**Response to Letter from County of San Luis Obispo
Air Pollution Control District,
dated July 8, 2011**

Comment No.	Response
APCD-1	<p>This comment recognizes the applicant's elimination of the compost operation from the project description and states that if compost is hauled to a facility out of the county, as opposed to the project site, the air quality impacts associated with these trips should be evaluated. With elimination of the compost operation the proposed project now includes maximum acceptance of 2,050 tons per day of waste – compared to 2,350 tons per day when the compost operation was part of the project. The air quality evaluation in the FEIR analyzes air quality emissions associated with 2,350 tons per day of waste being hauled to the Landfill and therefore provides an overestimation of air emissions equal to vehicle trips associated with 300 tons per day. Approximately 30% of the green waste that is picked-up by Landfill carriers and hauled to the Landfill for use as alternative daily cover (ADC) is expected to be hauled from South County cities (i.e., cities who have agreed to an additional surcharge) to the Engel and Gray facility in the City of Santa Maria. Approximately 70% will continue to be hauled to the Landfill and used as ADC. Because the FEIR air quality estimates are based on 2,350 versus the now proposed 2,050 tons per day and because the trip length from South County cities to Engel and Gray are of similar distance to that of the Landfill, no changes to the FEIR are necessary.</p>
APCD-2	<p>This comment states that the diesel particulate matter health risks resulting from compost operation equipment should be evaluated. In addition this comment recommends that should the compost operation be re-established, several mitigation measures should be implemented (e.g., installation of windbreak to stop transport of diesel off-site and installation of diesel particulate controls on equipment). As noted above in APCD-1, the compost operation has been eliminated and is not proposed to be re-established; therefore, this comment is no longer relevant. It should be noted however that mitigation measures such as GHG/mm² recommend that all diesel equipment used as part of the proposed project implement methods for reducing emissions.</p>
APCD-3	<p>This comment states that prior to implementation of the proposed expansion, the applicant will be required to coordinate with the APCD to determine the extent of permit modifications. The applicant will need to possess all applicable permits prior to receiving a Notice to Proceed from the County. No changes to the FEIR are necessary.</p>
APCD-4	<p>This comment states that the project, if approved, would be subject to APCD CEQA Guidelines, Section 3.5.1. No changes to the FEIR are necessary.</p>

Natural Resources Agency

Edmund G. Brown, Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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July 11, 2011

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

clear
 7/11/11
 e



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

Dear Mr. McKenzie:

Staff of the Department of Resources Recycling and Recovery (CalRecycle) has reviewed the Recirculated Draft Environmental Impact Report cited above and offer the following project description and analysis for the proposed project based on our understanding of the project. If the proposed project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests clarification and incorporation of any changes in the Final Environmental Impact Report. Significant differences in the project description could qualify as "significant new information" about the project that could again require recirculation of the document before certification pursuant to CEQA Section 15088.5.

Project Description

The County of San Luis Obispo, Department of Planning and Building, Environmental Division, acting as Lead Agency, is proposing an expansion for the Cold Canyon Landfill to allow the following:

- Expand the disposal area footprint by approximately 46 acres;
- Increase the total facility allowable tonnage limit by 730 tons per day;
- Expand and relocate the Resource Recovery Park to the eastern corner of the site;
- Modify the Compost Operation by allowing additional materials to be composted;
- Expand and enhance the Materials Recovery Facility;
- Construct a new scale house and entrance approximately one-half mile south of the existing entrance on Highway 227;
- Increase the operating hours for the Resource Recovery Park, Compost Operations, and Materials Recovery Facility and make them more consistent with the Landfill operating hours;
- Add a second shift at the Materials Recovery Facility;
- Increase the staffing levels from 79 to 120; and,



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- Other miscellaneous improvements (e.g., relocate fuel tanks, alter landscaping, and replace the equipment maintenance building).

The Recirculated Draft Environmental Impact Report focuses only on the following environmental impacts, where additional environmental information became available subsequent to the completion of the DEIR (March, 2009): hazards (odors), noise, and water.

On hazards, a health risk assessment was completed to further evaluate the Compost Operation, and includes new measures relating to worker protection and odors; on noise, a supplemental noise assessment was completed and includes additional measures relating to noise; and on water, additional water analysis was completed and additional measures are proposed to reduce on-site water consumption.

The Recirculated Draft Environmental Impact Report includes the following changes from the original project:

- Delete the reference of the expansion of the compost facility (currently permitted 300 tons per day limits would be retained);
- Remove the request to allow wastewater treatment plant sludge and/or biosolids as feedstock for the Compost Operation.

CalRecycle Staff's Comments

To assist CalRecycle staff's analysis and evaluation of this project, and aid in the determination of the adequacy of the Recirculated Draft Environmental Impact Report and related California Environmental Quality Act (CEQA) document(s), we request that the following comments and questions be addressed in the Final Environmental Impact Report.

In reference to your statement "The following description of the AD process is adapted from the CalRecycle's 2011 Draft Programmatic EIR for *Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste*:" The Final Programmatic Environmental Impact Report was certified by CalRecycle on June 22, 2011.

Closure Date

When Cold Canyon Landfill closes (estimated closure date 2040) will the Materials Recovery Facility and the Composting Operation continue operation or will they also be closed?

CR-1

Hours of Operation

The environmental document indicates that the Compost Operation and the Materials Recovery Facility, could operate, on weekends, 7:00 a.m. to 5:00 p.m. for receipt of material, the Composting Operation could also process material during those same hours; the Material Recovery Facility could process material for 7:00 a.m. to 10:00 p.m. The document goes on further to state that "except in the case of the CO and MRF, which do not and would not involve significant weekend processing." Based on the preceding information; the

CR-2

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Composting Operation and the Material Recovery Facility would be open on weekends but would not be doing significant processing of material. Is the preceding sentence correct? If not please offer the correct information. | **CR-2 (cont'd)**

How many hours on Saturday and Sunday does the applicant expect to process material at the Composting Operation and Materials Recovery Facility? Green waste, wood waste, food waste and fibers received, theoretically, on a three day weekend, could sit unprocessed for up to 72 hours. How will odors, dust and vector emanating from that material be mitigated? | **CR-3**

Permits

The obtaining of a Conditional Use Permit will not supersede the necessity of having separate Solid Waste Facilities Permits or a single consolidated or combined Solid Waste Facilities Permit for the operation of the landfill, the composting operation and the Material Recovery Facility. | **CR-4**

The Conditional Use Permit will not be enforced by the Enforcement Agency (CalRecycle). Any enforcement of the Conditional Use Permit will be the duty of the issuing agency or authority. | **CR-5**

Composting

It is indicated that food waste and natural fiber material will be used in addition to the previously approved feedstock types for the composting operation. What is the anticipated source of the food waste and specifically what is the makeup of the fiber material to be added as feedstock? | **CR-6**

In the Introduction it is stated that the operator was removing the request to allow waste water treatment plant sludge also known as biosolids, as an approved composting feedstock (Page I-3). In the environmental document it mentions the addition of waste water treatment plant sludge as being added to the compost mix. Please clarify in the final environmental document what the previously approved feedstocks are and the proposed additions to the list of approved feedstocks (Page III-25). | **CR-7**

In the Introduction of the environmental document under Section C it clearly states that the applicant will not be seeking an expansion of the composting operation from the currently permitted 300 tons per day to the previously proposed 450 tons per day. Several times in the environmental document an expansion of the composting operation is mentioned (pages III-23, III-25, V-177, V-187, V-200 and V-207). Please review the document and make those corrections necessary to be consistent with Section C. If it is not the intent of the applicant to drop the proposed expansion of the composting operation please make a statement in the final environmental document to that effect. | **CR-8**

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On-Site Construction

Based on the environmental document there will be an expansion and enhancement of the Materials Recovery Facility and construction of a new scalehouse. Please refer to Title 27 California Code of Regulations Section 21190 regarding Postclosure Land Use; please pay particular attention to Section 21190(e) which discusses construction of structural improvements on top of landfilled areas and Section 21190(g) which discusses construction within 1000 feet of the boundary of any disposal area.

CR-9

Complaints

Due to the number of verbal and written complaints received relating to Cold Canyon; CalRecycle staff suggest that in addition to the written complaints, complaints received orally also be recorded in the daily log book or file of special occurrences along with the resolution of the complaint.

CR-10

Enforcement Agency

The environmental document states:

“The enforcing agency at the local level for the proposed project area is San Luis Obispo County Health Agency, Division of Environmental Health. At landfills, CalRecycle is the agency that synthesizes the various federal and state enforcement agencies, such as the Environmental Protection Agency [EPA] and the Regional Water Quality Control Board into a more cohesive set of regulations (Title 27).” (Page V-179 – Regulatory Setting)

CR-11

The current Enforcement Agency for landfills, transfer stations and composting operations in San Luis Obispo County is CalRecycle - CalRecycle does not synthesize or otherwise address, federal, state or local agency requirements other than those within its authority.

Off-Site Litter

State minimum standards regarding litter control state:

Litter at operations and facilities shall be controlled, and routinely collected to prevent safety hazards, nuisances or similar problems and off-site migration to the greatest extent possible given weather conditions (14 CCR 17408.1 – Transfer Stations).

CR-12

Litter shall be controlled, routinely collected and disposed of properly. Windblown materials shall be controlled to prevent injury to the public and personnel. Controls shall prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems (27 CCR 20830 - Landfills).

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All handling activities shall be conducted in a manner that minimizes vectors, odor impacts, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms (14 CCR 17867 – Composting). Litter needs to be controlled on site as required by state minimum standards and reasonable and feasible measures should be used to collect fugitive litter; that is litter blown off-site onto adjacent properties. CalRecycle has no minimum standard that require litter to be collected “that is found along the truck haul routes within five miles of the Landfill, as indicated in the environmental document on page V-187 – HAZ Impact 1.

CR-12
(cont'd)

Health Risk

According to the environmental document “the public which comes on-site to the CO, either to drop off greenwaste or pick-up finished mulch material for personal use, experiences greater exposure than on-site workers and hence the greatest health risks.”(Page V-193) This finding seems to be based on information in a draft report entitled “An Assessment of Potential Impacts to Public and Worker Health Posed by the Cold Canyon Landfill and Composting Facility San Luis Obispo County, Ca. Occupational Safety and Health Audit of the Composting Facility” (Appendix I1). The draft report included several recommendations to reduce the potential hazard to users of the site (Page 6 of Appendix I). Please indicate why these recommendations have not been incorporated into the project or included as mitigations. A public education and outreach campaign and signage at the entrance to the site may be a feasible ways to implement the recommendations.

CR-13

Compost Monitor

The environmental document discusses the retention of a Compost Monitor to provide oversight of the processing of green and wood waste brought on site for the life of the compost project. The document continues that this monitor must be available from 6:00 a.m. to 10:00 p.m., be within an hour of the compost project and hold regular neighborhood meetings. CalRecycle staff has a series of questions that we would like answered so that we can determine if our role as the Enforcement Agency will need to be adjusted in any manner:

CR-14

- What are the specific minimum qualifications for this position, including education, training and certifications?
- What will this “oversight” consist of?
- Will the monitor be trained in noise, odor and visual attenuation?
- How many hours per day/week will the monitor be on-site?
- Can the monitor perform the duties of the position from off-site?
- Will the monitor have other non-monitor duties at the site?
- While the county will retain the monitor and the applicant will fund the position who will the monitor’s employer be and whom will the monitor report to?
- What authority will the monitor have to control the operation of the compost project?
- How often will the monitor hold the required regular neighborhood meetings?
- How will the monitor notice the meetings to the neighbors?

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- If the neighbors do not attend; at what point will the meetings no longer be held?
- Will these meetings be just for the “neighbors” or will county wide attendance be acceptable?

CR-14
(cont'd)**Noise**

Based on the environmental document, after mitigation, noise impacts would remain significant and unavoidable. Mitigation measure NS/mm-3 proposes noise barriers to provide relief to surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing landfill operations. Three options provided; the first to install approved on-site measure that are intended to substantially reduce noise at the residence to acceptable levels, the second to install well constructed noise barriers at the edge of the active outdoor area of the affected residence, the last, a onetime cash payment to the property owner of the cost of a “well constructed” noise barrier at the property owners request if they were to find option two undesirable.

CR-15

CalRecycle staff recommends that the mitigation measure be modified to include something to the effect that once a cash payment is made; future owners of that property would be prohibited from making any additional claims for noise mitigation for that property and that there be a deed restriction to that effect on the property so it would be known to all future owners of that property that there is significant noise impact and that compensation is not available.

CR-16

Would the mitigation measures of NS/mm-3 be available to surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing composting operations and/or Materials Recovery Facility operations?

CR-17

Conclusion

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on this Recirculated Draft Environmental Impact Report. Since there will be significant impacts resulting for the proposed project, CalRecycle staff request that a copy of the Statement of Overriding Considerations be forwarded along with the findings as required by 14 CCR Section 15091 and any related resolutions adopted by the decision making body.

CR-18

CalRecycle staff requests copies of any subsequent environmental documents including, the Final Environmental Impact Report, the Report of Facility Information, copies of public notices, and any Notices of Determination for this project.

Please refer to 14 CCR, 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]."

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If the document is certified during a public hearing, CalRecycle staff request ten days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle 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 916.324.3753 or by email at Patrick.Snider@calrecycle.ca.gov.

Please note that the correspondence related to this letter and for staff of the Permitting and Assistance Branch should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. All other correspondence should be sent to the address in the letterhead.

Sincerely,



Patrick Snider
Permits and Assistance Branch
Permitting and Certification Division
CalRecycle

cc: Virginia Rosales, Supervisor
Susan Markie, Manager
Permits and Assistance Branch
Permitting and Certification Division
CalRecycle

Randy Friedlander
Jeff Hackett, Supervisor
Waste Evaluation & Enforcement Branch
Compliance & Enforcement Division
CalRecycle

Lacy Ballard
Cold Canyon Landfill
Site Manager

CR-18
(cont'd)

**Response to Letter from CalRecycle,
dated July 11, 2011**

Comment No.	Response
CR-1	This comment asks if the materials recovery facility (MRF) and compost operation (CO) will continue to operate subsequent to closure of the Landfill proper. Prior to elimination of the CO by the applicant from the project description, the applicant had stated that only the CO had the possibility of operating into the future. With elimination of the CO, it can now be concluded that there will not be any active facilities operating at the Landfill post-closure. No changes to the FEIR are necessary.
CR-2	This comment seeks clarification on processing levels for the CO and the MRF on weekends. Because the CO has been eliminated from the project description, the following response applies only to the MRF. Based on historic data provided from the applicant, average incoming tonnage on weekends is approximately 20% of weekday tonnage. For the purpose of this EIR, and a reasonable worst-case scenario, it is expected that this scenario would continue in the future. No changes to the FEIR are necessary.
CR-3	The hours of operation are included in the Project Description. The recommended mitigation measures would still apply during weekends. The applicant will need to plan for three-day weekends and other potential "down times." It is recommended that the applicant's compliance with odor, dust, and vector control mitigation measures be overseen by a County of San Luis Obispo-retained Monitor per AES/mm-2. Other agencies such as the SLOAPCD will oversee compliance issues. No changes to the FEIR are necessary.
CR-4	This comment outlines the hierarchy of permits to be required by the state and the County. The County recognizes and understands this hierarchy. No changes to the FEIR are necessary.
CR-5	This comment states that the County will be responsible for enforcement of the conditional use permit issued for the proposed project. The County recognizes this is the case and has recommended AES/mm-2 to ensure that this concern is addressed. No changes to the FEIR are necessary.
CR-6	This comment asks what type of food waste or fiber material would be added to the compost operation as feedstock. As mentioned above, the applicant, in December 2011, requested that their project be amended to permanently eliminate the compost operation (using windrow technology) from future consideration. This comment therefore is no longer applicable and no changes to the FEIR are necessary.
CR-7	This comment seeks clarification on the acceptance of wastewater treatment plant sludge (bio-solids) and water treatment plant sludge. Removal of bio-solids (as feedstock for the compost operation) from the project description was implemented prior to circulation of the 2011 RDEIR and, with elimination of the compost operation from the project description, the proposed project no longer includes acceptance of bio-solids, water treatment plant sludge, or any other product as compost feedstock. For purposes of clarification, the Landfill is currently permitted under their RWQCB Waste Discharge Permit and under their Solid Waste Facilities Permit to accept bio-solids. The Landfill states that they do not accept bio-solids because they do not have a designated area that is appropriately lined. No changes to the FEIR are necessary.
CR-8	This comment recommends clarification on the expansion of the compost operation and the terminology used in describing the applicant's proposal throughout the EIR. All sections of the FEIR

Comment No.	Response
	have been revised to clarify and reflect the fact that the compost operation has been eliminated from the project description.
CR-9	This comment recommends that attention be paid to Title 27 for construction of the proposed scalehouse and expansion of the MRF, particularly as this section relates to setbacks from existing or proposed Landfill operations. The County, in coordination with CalRecycle and the project applicant, will assist in making sure there is consistency with this and other applicable sections of Title 27. No changes to the FEIR are necessary.
CR-10	This comment recommends that oral complaints also be documented by the County in a daily log book. The County currently documents all complaints and would continue to do so as part of monitoring oversight proposed as part of this EIR (refer to AES/mm-2). No changes to the FEIR are necessary.
CR-11	This comment provides clarification on CalRecycle's regulatory parameters and limitations associated with their interaction with other federal, state, and local agencies. The FEIR has been amended in the revised and recirculated Section V.H., Hazards and Hazardous Materials, to reflect these changes.
CR-12	This comment outlines the State's minimum standards for off-site litter control and states that they do not have a minimum requirement requiring litter to be collected along truck haul routes within five miles of the Landfill. The language referenced in the comment as being on page V-187 could not be found. The EIR does not state that this is a minimum requirement of CalRecycle and merely recommends it as part of HAZ/mm-2(h). This measure requires the Landfill, if notified of dumping within five miles of the Landfill, to investigate the source and the dumping and determine whether the trash is truck operator-based. This would be done in coordination with the County Environmental Monitor and if a determination is made it was trash destined for the Landfill, the Landfill would be asked to remove. No changes to the FEIR are necessary.
CR-13	This comment asks why measures recommended in the report titled "An Assessment of Potential Impacts to Public and Worker Health Posed by the Cold Canyon Landfill...." are not included in the EIR. With removal of the compost operation from the project description there is no need to include these measures in the FEIR as there are no longer risks associated with the public or workers coming on-site and being exposed to compost operation hazards. No changes to the FEIR are necessary.
CR-14	This comment raises a series of questions associated with the role of a third party County-retained monitor who was previously recommended to oversee the compost operation (refer to former HAZ/mm-11). As mentioned above, the compost operation has been eliminated from future consideration, as has the recommendation for a compost operation monitor, and therefore this comment is no longer applicable. No changes to the FEIR are necessary.
CR-15-17	These three comments pertain to the recommended mitigation measure NS/mm-3. This measure, titled "Noise Barrier Contingency Plan" requires that a noise barrier contingency plan be prepared to address and provide relief to surrounding residences (i.e., those within 1,800 feet of the Landfill operation's outer property perimeter). The second component of the comment recommends that if a cash payment is made to a property owner, instead of implementation of a physical on-site noise reduction barrier, future owners of that property would be prohibited from making any further claims. Language to accomplish this has been added to the mitigation measure in the FEIR. The third component of the comment asks if the measure would be applicable to surrounding residences that can demonstrate noise levels of 50 dBA from the composting operation or MRF. The response to

Comment No.	Response
	this would be that the measure limits, as stated above, compensation to those within 1,800 feet of the Landfill's outer property perimeter.
CR-18	CalRecycle requests a copy of the following documentation: Statement of Overriding Considerations prepared to address Class I Impacts, the Findings, the FEIR, the notice of determination, and any related resolutions adopted by the County decision-making body. CalRecycle also requests ten days of advanced notice of any public hearing for the project where the FEIR may be certified. The County will provide all such documentation and notices to CalRecycle. No changes to the FEIR are necessary.

G. APPLICANT / AGENT

The following applicant/agent has submitted comments on the May 2011 Recirculated Draft EIR. For ease of reading, when applicable, the commenter's numbering system will be utilized.

Commenter and Address	Code	Date of Letter	Page
Cold Canyon Landfill, Inc. and Waste Connections, Inc. 2945 McMillan Avenue, Suite 136 San Luis Obispo, CA 93401	CCL/WC	July 11, 2011	XI-27
<i>Attachments to Letter from Cold Canyon Landfill and Waste Connections</i>			
Brownstein Hyatt Farber Schreck, LLP C. Wesley Strickland 21 East Carrillo Street Santa Barbara, CA 93101 (Attachment 1)	CCL/CWS	July 11, 2011	XI-33
Golder Associates Tom Vercoutare, PG (Attachment 2)	CCL/TV	(undated)	XI-41
Douglas Environmental (Attachment 3)	CCL/DE	(undated)	XI-58
Cold Canyon Landfill and Waste Connections (Attachment 4)	CCL/WC	(undated)	XI-76

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July 11, 2011

Via Hand Delivery

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 Revised Recirculated Draft Environmental Impact Report, Cold Canyon Landfill Expansion, San Luis Obispo, California

Dear Mr. McKenzie:

Cold Canyon Land Fill, Inc. ("CCL") and Waste Connections, Inc. ("WCI") have completed a review of the Revised Draft Environmental Impact Report (DEIR), dated May 24, 2011, for the Cold Canyon Landfill Expansion Project. We have prepared comments on behalf of both CCL and WCI on the Revised Recirculated portions of the DEIR, which are being provided by this cover letter as well as in the attachments to this letter. Attached please find the following:

Attachment 1: Legal opinion letter dated July 11, 2011 from C. Wesley Strickland, Brownstein Hyatt Farber Schrek, to Patrick Shea, General Counsel for CCL and WCI regarding proposed mitigation measure WR/mm-1;

Attachment 2: Comments on the water supply section of the RDEIR prepared by Tom Vercoutere, Golder Associates, Inc., together with a current curriculum vitae for Mr. Vercoutere. Mr Vercoutere has a long standing expertise in geology, hydrogeology and water supply matters;

Attachment 3: Comments on the project description, hazards and hazardous materials, and noise sections of the RDEIR prepared by Douglas Brown of Douglas Environmental, a firm with considerable experience and expertise in the development and drafting of complex environmental impact reports in connection with solid waste facility projects for public agencies and private clients. Also provided is a curriculum vitae for Mr. Brown, indicating his broad experience in the environment review of solid waste facilities.

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Attachment 4: Comments of CCL and WCI staff, reflecting combined remaining RDEIR comments based on the solid waste facility design and operations experience and expertise of CCL and WCI staff members.

In addition to the detailed comments provided in the attachments, we are also providing additional, specific comments below on items which in our judgment should be highlighted as serious concerns and deficiencies regarding the RDEIR analysis and conclusions. While we believe the RDEIR can serve as the basis for an informed decision by the County on the adequacy of the EIR and the ultimate permit decision, there are aspects of the document, primarily certain conclusions and recommendations drawn in the RDEIR, that need to be addressed and modified where noted. Our summary of these matters is set forth below.

Water Supply

With respect to proposed mitigation measure WR/mm-1, the legal opinion letter provided in Attachment 1 sets forth a thorough and reasoned analysis in making clear that the proposed mitigation measure is both improper and not legally enforceable. The following summarizes the issues:

- Under California law, CCL is entitled to exercise its overlying rights to the extent that it will put the water extracted to beneficial use on its overlying land. CCL is also free to expand its existing uses on the parcel. If its increased extractions for the expansion were to cause the total correlative rights of all landowners in the study area to exceed the safe annual yield of the water-bearing formations, all present uses would need to be proportionately reduced to accommodate the equal rights of expanded use by the Landfill. The proposed 25 AFY restriction would limit the Landfill's exercise of its right to extract groundwater as an overlying owner, without any legal justification.
- Overlying landowners in the vicinity of the Project are not entitled to maintenance of prescriptive water levels. The County's imposition of the 25 AFY restriction on the basis of potential drawdown in neighboring wells disregards existing California water law, under which an overlying owner is not generally entitled to maintenance of a particular water level.
- The proposed restriction inappropriately represents an effort to restrict water use by one user in favor of future preferred water users. Because the DEIR indicates a decided preference for future water uses (e.g., vineyard and domestic uses), water must be reserved for those uses to the detriment of water users today, arbitrarily denying CCL's exercise of its overlying rights. In the absence of the

CCL/WC-1

CCL/WC-2

CCL/WC-3

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consideration of all overlying rights and the fair and just proportion of each, the County may not impose restrictions on one water rights holder such as CCL.

Noise

We have several comments and observations about the noise analysis and mitigation proposals in the Recirculated DEIR, with a few of the more important matters set forth immediately below.

CCL/WC-4

First, the DEIR's establishment of a Noise Barrier Contingency Plan (NS/mm-1) is not appropriate under the California Environmental Quality Act (CEQA), and we think such a plan requirement is unworkable in any event. This proposed mitigation measure states that a Residential Noise Barrier Contingency Plan shall be prepared for surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing landfill operations. The text of this mitigation measure should be revised to clarify that the demonstrated noise levels for surrounding residences must be 50 decibels L_{eq} not just 50 decibels in order to ensure consistency with the Noise Element standards.

In addition, CEQA requires that feasible mitigation measures be identified for significant environmental impacts associated with project implementation. A requirement to pay residents a fee equivalent to the estimated cost of a noise barrier does not constitute mitigation under CEQA. Amongst other infirmities, such a measure does not include any requirement that the resident spend the money on noise reducing measures. Because the proposed payment appears to establish a flawed public policy for mitigation and set a precedent, and in addition it cannot be shown that this measure would have any measurable beneficial effect on the environment, it is inappropriate to include it in the Recirculated Draft EIR and it should be deleted.

CCL/WC-5

The feasibility of constructing a noise barrier on private property also raises a number of legal questions that make this mitigation measure unworkable. The attached detailed comments (Attachment 3) raise serious issues and questions about such a requirement. Because these questions have not been addressed, the feasibility of implementing NS/mm1 remains speculative and it should therefore be removed from the Recirculated Draft EIR.

CCL/WC-6

The fundamental factual basis for whether -- and to what extent -- noise mitigation is required are a serious issue not only for such matters as NS/mm-1, but the other noise analyses in the Recirculated DEIR as well. Some examples, also addressed in Attachment 3, follow.

The Recirculated DEIR summarizes the Noise Element requirements for new or modified stationary noise source standards. However, it must be noted that the Noise Element further states that when the noise level standard is exceeded at the property line of vacant land (i.e., land that does not contain a habitable structure), such exceedance shall be waived when the Director of Planning and Building determines that such vacant land is not likely to be developed with a noise sensitive land use.

CCL/WC-7

The RDEIR does not assert, and the facts are clear, that the adjacent lands which are being used for agricultural purposes (i.e., vineyards) are not likely to be developed with a

CCL/WC-8

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noise sensitive land use. As such, we believe the RDEIR must conclude that the Director should in fact waive the requirement. The RDEIR text should be revised to so state. In addition, the threshold of significance utilized (one decibel (1 dB)) is inconsistent with industry standards and conflicts with the threshold of 3 to 5 dBA included in the original Environmental Noise Assessment prepared by Brown-Buntin Associates, Inc. and included in Appendix E of the Draft EIR. As stated on page 3 of Appendix E, "For non-transportation noise sources, it is common to assume that a 3 to 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 is appropriate, consistent with the Brown-Buntin report, and should be applied.

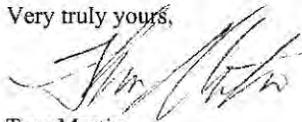
Finally, the County Noise Element states that new development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed noise level standards unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the allowable threshold (refer to DEIR Table V.1.-4). These noise thresholds are applied at the property line. *The stationary noise source threshold referenced applies to the new development of noise-sensitive land uses (e.g., residences, churches, hospitals).* The project does *not* include the new development of a noise-sensitive land use. The expanded landfill operation is not a use that is sensitive to noise. Therefore, the appropriate threshold for "new proposed stationary noise sources" or "existing stationary noise sources which undergo modifications" (i.e., the landfill expansion) is identified in Policy 3.3.5 of the County General Plan Noise Element. The text of the Recirculated DEIR should be modified to identify the correct stationary source noise threshold for the proposed project.

CCL/WC-8
(cont'd)

CCL/WC-9

Thank you for your consideration of these comments. We look forward to working with you to complete the EIR review process.

Very truly yours,



Tom Martin
Division Vice President
Cold Canyon Land Fill, Inc.



Thomas Reilly
CA Engineering / Corporate Compliance Manager
Waste Connections, Inc.

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**Response to Letter from Cold Canyon Landfill and Waste Connection,
dated July 11, 2011**

Comment No.	Response
CCL/WC-1-3	<p>These three comments pertain specifically to WR/mm-1. WR/mm-1 required the applicant to limit groundwater extraction from their three wells to 25 acre feet per year (AFY) in any 12-month period. WR/mm-1 was recommended in the 2011 RDEIR because after additional evaluation of available groundwater supplies in the area, through implementation of well pump testing of the wells on the project site, it was determined that there was the potential for substantial interference with the production rate of a nearby well on a neighboring property. WR/mm-2 was also recommended to provide monitoring and assurance that groundwater extraction from the project site would be limited to 25 AFY. As a result of comments received on the 2011 RDEIR and related evidence provided by the applicant's geohydrological consultant (Golder), the EIR geohydrological consultant (Fugro) reconsidered and revised their finding to concur with the that of the applicant – which was that the potential for substantial interference to the neighboring well does not exist (refer to response CCL/TV-2 below). Therefore, the previously identified well interference impact that led to the recommendation of WR/mm-1 and 2 was no longer applicable and WR/mm-1 and 2 thereby were no longer applicable. Additionally, the applicant revised their project description to eliminate the open windrow compost operation, the largest water using component of the proposed project. As a result of elimination of the compost operation, proposed water use for the project went from 34.5 AFY to 10.2 AFY. With this reduction in proposed groundwater extraction, the proposed project is well below the projected groundwater supply capacity of the three wells on the project site (i.e., 25 AFY). The FEIR has been revised to reflect these changes.</p>
CCL/WC-4-6	<p>These three comments reference NS/mm-1, but list and describe NS/mm-3 (the "Noise Barrier Contingency Plan" mitigation measure). Therefore, the following discussion will reference NS/mm-3. The three comments collectively describe the commenter's issues with NS/mm-3 which include, but are not limited to, the following: It is not appropriate per CEQA; it is unworkable; payment of a fee doesn't constitute mitigation; and, feasibility of the measure is speculative. County staff recognizes that there may be challenges associated with implementation of NS/mm-3 but also recognizes that feasibility of implementing the measure cannot be completely eliminated. Because NS/mm-3 has been recommended in an attempt to reduce a Class I Impact (i.e., significant unavoidable and adverse), and has the potential to reduce impacts, the County is required, per CEQA Statute 21002 and Guidelines Section 15126.4(a)(1), to recommend all such mitigation measures. The County monitor (recommended per AES/mm-2) would track the applicant's compliance with this measure. The fee payment component of NS/mm-3 (option 3) requiring the applicant to make a one-time payment to the property owner of the affected residence is intended to be consistent with Noise Element, Chapter 4, Implementation Measure 4.14(f) and to provide the owner of the residence with money to implement noise mitigation on their own accord.</p>
CCL/WC-7	<p>This comment states that for the stationary noise source requirements outlined in the RDEIR (and taken from the Noise Element), the Director of Planning and Building also has the ability to waive requirements when there is a noise exceedance at the property line of vacant land. The RDEIR cites Noise Element, Section 3.3, Policy 3.3.4 and the Planning Director waiver appears to be applicable to Policy 3.3.5.(c). No changes to the FEIR are necessary.</p>

Comment No.	Response
CCL/WC-8	<p>This comment states that the 1 dB threshold of significance used in the RDEIR is inconsistent with industry standards and conflicts with the 3-5 dBA increase, listed as representing a “substantial increase in ambient noise levels” in the 2008 Environmental Noise Assessment, found in Appendix E, of the 2009 DEIR. This comment states that a 3-5 dBA increase should be the standard for significance used in the EIR. The 2009 DEIR and the 2011 RDEIR state the “threshold of significance for noise related impacts is the exceedance of a standard as established in the County’s Noise Element by any proposed development project. Where the established standard is already exceeded, a significant increase in a noise level is taken as one decibel (1 dB).” This first component of this threshold is clear (i.e., exceedance of a County Noise Element threshold) and consistent with the County’s application of the Noise Element for projects subject to CEQA. The second component of the threshold (i.e., a 1 dB increase – if a threshold has already been exceeded), if changed to a 3-5 dBA increase as suggested in the comment, would not change the findings in the EIR due to the fact that exceedances of noise levels are in the 10 dBA range. No changes to the FEIR are necessary.</p>
CCL/WC-9	<p>This comment references Table V.I.-4 of the 2009 DEIR. It is assumed that this comment meant to reference Table V.I.-4 of the 2011 RDEIR (Maximum Allowable Noise Exposure – Transportation Noise Sources). The comment states that the appropriate noise threshold for the proposed project should be Policy 3.3.5 of the Noise Element because the project does not include the new development of a noise-sensitive land use. The comment then recommends that the EIR should be modified to include the correct stationary source noise threshold. Table V.I.-4 of the 2011 RDEIR is a replication of Table 3-2 of the Noise Element (“Maximum Allowable Noise Exposure – Stationary Noise Sources”) and is the table that is referenced as including the appropriate stationary noise thresholds for Noise Element Policies 3.3.4 and 3.3.5. It appears that the 2011 RDEIR utilized the appropriate stationary source noise thresholds. No changes to the FEIR are necessary.</p>

**RDEIR Comments
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Cold Canyon Land Fill, Inc.
Waste Connections, Inc.**

ATTACHMENT 1

**Brownstein | Hyatt
Farber | Schreck**

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July 11, 2011

Patrick J. Shea
Vice President, General Counsel
Waste Connections, Inc. and
Cold Canyon Land Fill, Inc.
2295 Iron Point Road, Suite 200
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**Subj: County of San Luis Obispo Water Supply Mitigation Measure for Cold Canyon
Landfill Expansion**

Dear Mr. Shea:

At your request, Brownstein Hyatt Farber Schreck, LLP has reviewed the legal validity of Mitigation Measure WR/mm-1 proposed by the County of San Luis Obispo (County) on the expansion project for the Cold Canyon Landfill (Landfill), which is owned by Cold Canyon Land Fill, Inc, a wholly-owned subsidiary of Waste Connections, Inc. Mitigation Measure WR/mm-1, which was proposed in the Recirculated Draft Environmental Impact Report (DEIR) for the project, would restrict the Landfill's extraction of groundwater underlying the property to a maximum of 25 acre-feet per year (AFY).

It is our opinion that Mitigation Measure WR/mm-1 is legally deficient and therefore unenforceable because it ignores long-standing water rights laws, is arbitrary and capricious, and is not supported by substantial evidence. In reaching this conclusion, we reviewed the following documents: (1) the DEIR dated May 24, 2011; (2) the Water Resources Assessment prepared by Fugro West dated March 2008; and (3) Technical Memorandum No. 2 prepared by Fugro West dated November 2, 2010.

The Project

The project analyzed in the DEIR consists of expansion of the existing Landfill located in San Luis Obispo County to the east of the City of San Luis Obispo on Highway 227. The Landfill overlies water bearing formations that are not within a groundwater basin as defined by the California Department of Water Resources. (Fugro, 2008.) The hydrogeologic study area (Study Area) identified in the DEIR encompasses 1,687 acres, of which the proposed project (including

CCL/CWS-1

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existing operations) would cover 209 acres. (DEIR, at V-228.) The County does not currently measure water levels within the Study Area.

CCL/CWS-1
 (cont'd)

In the DEIR, the County proposed Mitigation Measure WR/mm-1, which is titled "Limit Groundwater Extraction" and provides that "[t]hroughout the life of the project, to protect groundwater resources, [the Landfill] shall not extract more than 25 afy from the three Weir wells in any 12-month period."

Mitigation Measure WR/mm-1 Contravenes California Water Laws

The Landfill possesses and exercises overlying rights for the extraction of groundwater from beneath the project site. The County's proposed Mitigation Measure WR/mm-1 contravenes long-standing California case law that defines the rights of landowners who overlie percolating groundwater. Groundwater rights are created by state law, and the definition and allocation of those rights is a function of the courts. See Arthur L. Littleworth and Eric L. Garner, *California Water*, at 74 (2nd ed. 2007).

CCL/CWS-2

The Nature of Overlying Groundwater Rights. An overlying water right is the right to pump percolating groundwater on an overlying parcel for beneficial use on that parcel. The right is a component of property ownership and is part and parcel of the overlying land. *Tehachapi-Cummings County Water Dist. v. Armstrong*, 49 Cal.App.3d 992, 1001 (1975); *Burr v. Maclay Rancho Water Co.*, 154 Cal. 428, 439 (1908). Overlying water rights are established based solely on ownership of land overlying groundwater. *City of Barstow v. Mojave Water Agency*, 23 Cal.4th 1224, 1251 (2000); *City of Pasadena v. City of Alhambra*, 33 Cal.2d 908, 925 (1949). An overlying owner is entitled to as much of the basin's safe annual yield¹ as he may put to a reasonable and beneficial use on the overlying portions of his property. *Mojave*, 23 Cal.4th at 1241-42; *Pasadena*, 33 Cal.2d at 925-26.

Overlying rights are commonly recognized as being analogous to riparian rights – those rights based upon ownership of lands bordering a watercourse. As a result, the common law rules applicable to the exercise of riparian rights are also applied to the exercise of overlying rights and have been used to resolve controversies between overlying owners and appropriators. *Mojave*, 23 Cal.4th at 1240.

Like riparian rights, overlying rights are correlative in nature, meaning they are of equal priority with one another. *Mojave*, 23 Cal.4th at 1241; *Pasadena*, 33 Cal.2d at 926; *Katz v. Walkinshaw*,

¹ Safe annual yield is generally defined as the amount of water that may be taken from a groundwater basin each year without causing undesirable effects associated with dropping water tables and eventual depletion of the groundwater supply. *City of Los Angeles v. City of San Fernando*, 14 Cal.3d 199, 278 (1975).

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141 Cal. 116 (1903). Thus, all may share in use of the safe annual yield, and all are equally susceptible to diminishment in times of shortage. *Mojave*, 23 Cal.4th at 1241; *Pasadena*, 33 Cal.2d at 926. Moreover, unexercised or dormant overlying rights are generally correlative with presently exercised rights; in other words, overlying rights are not dependent on use. *Tulare Irrigation Dist. v. Lindsay-Strathmore Irrigation Dist.*, 3 Cal.2d 489 (1935); *Wright v. Goleta Water Dist.*, 174 Cal.App.3d 74, 84 (1985). An overlying owner is free to institute a new use or expand an existing one, regardless of current uses. *Wright*, 174 Cal.App.3d at 84. If the new use causes the total production of all correlative rights in a basin to exceed the basin's safe annual yield, all present uses may be reduced to accommodate the equal rights of the newly exercised overlying use. *Mojave*, 23 Cal.4th at 1241; *Pasadena*, 33 Cal.2d at 926.

CCL/CWS-2
 (cont'd)

The Landfill's Rights as an Overlying Owner. Under California law, the Landfill is entitled to exercise its overlying rights to the extent that it will put the water extracted to beneficial use on its overlying land. The Landfill is also free to expand its existing uses on the parcel. If its increased extractions for the expansion were to cause the total correlative rights of all landowners in the Study Area to exceed the safe annual yield of the water-bearing formations, all present uses would need to be proportionately reduced to accommodate the equal rights of expanded use by the Landfill. The County's proposed 25 AFY restriction would limit the Landfill's exercise of its right to extract groundwater as an overlying owner, without any legal justification.

CCL/CWS-3

Overlying Owners Are Not Entitled to Maintenance of Water Levels. The County's imposition of the 25 AFY restriction on the basis of potential drawdown in neighboring wells disregards existing California water law, under which an overlying owner is not generally entitled to maintenance of a particular water level.

CCL/CWS-4

The basis for imposition of the 25 AFY restriction on the Landfill, as set forth in the DEIR, is the prevention of drawdown in the nearby Gomez well. (DEIR, at V-245 – V-246.) The DEIR's interference effects analysis for simultaneous pumping, taken from Fugro's Technical Memorandum No. 2, indicates that at the assumed pumping rate and frequency, drawdown at the Gomez well is predicted to be 3 feet after one year. This is the only evidence offered to support imposition of the 25 AFY restriction. However, under California water resources law, an overlying user is not entitled to maintenance of water at a certain level so that his well, as drilled, will be able to access that water.

California courts have routinely held that it is unreasonable to require the entire flow of a watercourse or waters of a subterranean body of water in order to maintain water levels or surface flow. See *Peabody v. Vallejo*, 2 Cal.2d 351 (1935); *Rancho Santa Margarita v. Vail*, 11 Cal.2d 501, 556 (1938); *Hillside Water Co. v. City of Los Angeles*, 10 Cal.2d 677 (1938) [an overlying owner does not have an absolute right to stable and level groundwater supplies]. See

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also Scott S. Slater, *California Water Law and Policy*, at 3-51 to 3-53 (2010) (“The overlying owner cannot compel the maintenance of wasteful water levels.”); Wells A. Hutchins, *The California Law of Water Rights*, at 484-85 (1956).

CCL/CWS-4
 (cont'd)

California case law does not permit an overlying owner to prevent another overlying owner from pumping groundwater, on the basis that such pumping interferes with the water levels at which the first overlying owner’s pump operates. In Mitigation Measure WR/mm-1, the County is attempting to enforce a private right on behalf of the Gomez well owner that the owner itself does not possess under the law. The Gomez well is merely entitled to access groundwater, not to access groundwater at the level of his pump. In fact, the owner of the Gomez well may not actually experience any loss of access to groundwater based on pumping of the Weir wells at levels higher than 25 AFY; the only impact may be slightly higher pumping costs or reduced water pressure. The County’s proposed 25 AFY groundwater pumping restriction represents an effort to thwart the water rights of the Landfill as an overlying owner and substitute its judgment for that of the California courts, which have clearly defined the boundaries of overlying owners’ respective rights to pump groundwater.

The Proposed Mitigation Measure Violates Article X, Section 2 of the California Constitution. The County’s proposed restriction on the Landfill’s extraction of groundwater, if ultimately implemented, would violate the mandate of the California Constitution, article X, section 2, that the water resources of the state be put to beneficial use to the fullest extent possible and that waste of water be avoided. See *Peabody v. City of Vallejo*, 2 Cal.2d 351, 370-72 (1935). This is because maintenance of water levels for the benefit of an existing well will effectively prevent any other overlying owner or appropriator from pumping water in the vicinity of that well. Pumping water naturally creates a cone of depression in the area, which may influence water patterns and levels in nearby wells. A rule that prevents water from being pumped where any well owner experiences a drop in water level wastes a quantity of water equal to the amount of water that could be sustainably withdrawn below that level. Such a rule violates the article X, section 2 prohibition against unreasonable use and waste of water.

CCL/CWS-5

The Proposed Mitigation Measure is Arbitrary and Capricious

We also believe that the County’s imposition of the 25 AFY restriction would be deemed by a court to be arbitrary and capricious for several reasons.

CCL/WS-6

Failure to Allocate Fair Share of Recharge to Landfill. In reaching the 25 AFY restriction, the County does not apply a legally recognized allocation method. In allocating water rights among overlying users where the water supply is insufficient to meet the needs of all users, courts must award each user its fair and just proportion of the supply. *Katz v. Walkinshaw*, 141 Cal. 116, 134-36 (1903). The legal basis for determining an overlying landowner’s fair and just proportion

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of water is the rule of reasonableness under the circumstances. Factors may include the acreage of land owned by each user over the groundwater source, purpose of the use of groundwater, suitability of the use, economic and social value of the use, practicality of avoiding harm by the method of extraction or use, and the justice of requiring each user to bear the loss. *See, e.g., Tehachapi-Cummings County Water Dist. v. Armstrong*, 49 Cal.App.3d 992 (1975); Restatement (Second) of Torts, §§ 850 *et seq.* (1978) (factors applicable to competing claims between riparian and overlying right holders). *See also Slater, supra*, at 3-58 to 3-61. The County's approach does not evaluate these factors, but has simply sought to impose restrictions on the Landfill without regard to its fair and just proportion of groundwater supplies in the Study Area.

CCL/CWS-6
 (cont'd)

Lack of Evidence to Support 25 AFY Restriction. The DEIR notes that some well interference will occur with the Gomez well under simultaneous pumping conditions of the Landfill's Weir Wells. (DEIR, at V-245.) The level of well interference is predicted to increase with the pump rate. The 2010 Fugro study estimates that for total pumping of 25 AFY, the Gomez well will experience drawdown of less than five feet after one year. At an average pump rate of 22 gpm (roughly 40 AFY), the Gomez well will experience drawdown of eight feet after one year. The DEIR does not contain any evidence, however, that such drawdown will cause any injury to the owner of the Gomez well or any other person.

CCL/CWS-7

The DEIR goes on to note that "the Weir wells could be pumped at a rate that provides 25 afy with insignificant impacts to neighboring wells." (DEIR, at V-246.) The DEIR adds that "[t]here is no well pumping data in the 2010 Report to suggest the Weir Wells can sustainably produce more than 25 afy" and speculates that "pumping at a higher rate would potentially increase drawdown" and "[w]ater levels in on-site and proximate off-site wells may drop to a level where they can no longer serve the existing surrounding or off-site uses."

The DEIR does not include substantial evidence that the projected drawdown from pumping levels greater than 25 AFY would result in denial of access to groundwater or other injury to any person. Thus, the County has not demonstrated the validity of the threshold of significance used in the DEIR, and Mitigation Measure WR/mm-1 is arbitrary and capricious. Ultimately, as explained above, the Gomez well owner is simply not entitled to have water levels remain constant, since that would violate the Landfill's overlying rights and constitute a waste of water.

Mitigation Measure Represents Effort to Restrict Water Use by One User in Favor of Future Preferred Water Users. In its Cumulative Impacts discussion of the Water Resources section, the DEIR discusses "build out" within the groundwater basin based on assumptions that: (1) currently undeveloped parcels within the agricultural land use category will be developed with vineyards; and (2) secondary dwellings will be built on parcels classified in the Rural Residential land use category. (DEIR, at V-255.) Water demand for residential and agricultural uses are expected to increase 38 percent and 186 percent, respectively, under this build out

CCL/CWS-8

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scenario. (DEIR, at V-257.) The DEIR concludes that despite the relatively limited increase in groundwater extractions attributable to the Landfill's expansion, the cumulative development scenario demand would exceed the estimated recharge of the Study Area, resulting in overdraft of supply. In essence, because the DEIR indicates a preference for future water uses (e.g., vineyard and domestic uses), water must be reserved for those uses to the detriment of water users today, arbitrarily denying the Landfill exercise of its overlying rights. However, under the existing overlying rights doctrine, the Landfill is entitled at any time to initiate its expanded use and exercise its overlying rights, which would then be subject to reduction in the future if other overlying uses (e.g. agriculture or additional homes) are initiated such that basin supply is insufficient to meet the needs of all overlying users. In the absence of the consideration of all overlying rights and the fair and just proportion of each, as discussed above, the County may not impose restrictions on one right holder such as the Landfill.

CCL/CWS-8
(cont'd)

Conclusion

We believe that Cold Canyon Land Fill, Inc. would have a legal basis to challenge the County's proposed 25 AFY restriction in Mitigation Measure WR/mm-1, because that measure would unduly restrict the Landfill's overlying groundwater rights as established pursuant to California law. It appears to be an attempt to artificially cap water use now to save water for future preferred water uses. The 25 AFY does not represent the Landfill's fair and just proportion of use, and the DEIR fails to provide a rational basis for the figure.

CCL/CWS-9

Sincerely,



C. Wesley Strickland

SB 585246 v1:048192.0018

**Response to Letter from C. Wesley Strickland,
Brownstein Hyatt Farber Schreck, LLP,
dated July 11, 2011**

Comment No.	Response
CCL/CWS-1	This comment describes the groundwater basin beneath the project site, testing (or lack of testing), and acknowledges that the 2011 REIR recommended WR/mm-1 mitigation measure limiting extraction to 25 AFY. Water levels within the Study area are measured by the Landfill as part of their groundwater monitoring program. But, the commenter is correct in that there is no established Study Area monitoring program. No changes to the FEIR are necessary.
CCL/CWS-2	This comment states that the applicant possesses and exercises overlying rights for extraction of groundwater from beneath the project site. The comment then describes the nature and legal parameters and precedence associated with overlying groundwater rights. The comment concludes that WR/mm-1, recommended as part of the 2011 REIR, contravenes long-standing California case law that defines the rights of landowners who overlie percolating groundwater. In response to this comment, please refer to "CCL/WC 1-3" above which summarizes the circumstances associated with the County electing to remove WR/mm-1 from further consideration. The FEIR has been revised to reflect revisions associated with removal of WR/mm-1.
CCL/CWS-3-9	These seven comments address the applicant's rights as an overlying owner of groundwater, the fact that overlying owners are not entitled to maintenance of water levels, that recommended mitigation measure WR/mm-1 violates the California constitution, that WR/mm-1 is a failure to allocate fair share groundwater recharge to the Landfill, that the 2011 REIR lacks the evidence to support the 25 AFY restriction imposed by WR/mm-1, that WR/mm-1 represents an effort to restrict water use by one user in favor of future preferred water users, and that the applicant feels they have the legal basis to challenge the County's recommendation of WR/mm-1 and the 25 AFY restriction on groundwater use. In response to these comments, please refer to "CCL/WC 1-3" above which summarizes the circumstances associated with the County electing to remove WR/mm-1 from further consideration. The FEIR has been revised to reflect revisions associated with removal of WR/mm-1.

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ATTACHMENT 2

**Cold Canyon Landfill Expansion
Recirculated Draft Environmental Impact Report**

**Comments by Tom Vercoutere, PG
Golder Associates, Inc.**

Page #	Section	Paragraph
V-227 and 228	K. 1. c.	Detailed estimates of percolation of precipitation require surface area, soil type, daily measurements of precipitation, and ETo and runoff data. Based on studies completed by the Department of Water Resources (DWR) for the Arroyo Grande Plain and the Santa Maria Valley, between nine and 16 percent of average annual precipitation percolates to groundwater (Fugro, 2008). For this EIR, the lower, more conservative rate of nine percent is used. Average annual precipitation in the area is approximately 22.1 inches per year. Nine percent of 22.1 is approximately 2.0 inches, which when applied over a basin of approximately 1,687 acres would lead to percolation, or "recharge," of approximately 281 acre feet into the basin. This number would be reduced somewhat due to the impermeability of the Landfill area, but would potentially increase when the potential of irrigation water to percolate is considered. The potential recharge capacity of the basin is considered an approximate number based on general assumptions of hydrogeologic conditions in the vicinity of the Landfill, and is provided as context for subsequent discussion of cumulative impacts (refer to Section K.6).
	Comment 1	<i>Text says that groundwater recharge from precipitation is approximately 2 inches per year and when applied to the basin would lead to approximately 281 acre-feet. The conservative infiltration assumptions used to derive this volume may be appropriate for the greater hydrogeologic region but they are inappropriately applied for evaluating water resources in the aquifer at the project site. Historical groundwater elevations for several monitoring wells installed in the Pismo Formation portion of the aquifer and some of the wells installed in the Monterey Formation portion of the aquifer have seasonal groundwater elevation fluctuation of several feet. This seasonal fluctuation is acknowledged in the next subsection of the text on page V-228. Applying a recharge factor of 9 percent of annual rainfall (2 inches) ignores relevant local groundwater elevation data, which is directly affected by recharge, and significantly underestimates the amount of local recharge to the aquifer and thus the amount of sustainable groundwater available from the aquifer. Using the assumed 2 inches of recharge and an aquifer porosity of 25% would result in only 8 inches of water-level fluctuations, not the several feet that has been observed. A higher value for recharge therefore is appropriate. The conservative assumptions used to estimate recharge significantly underestimates the groundwater resource in the aquifer.</i>
V-242	K. 5. a. 1.	Although the water level data from the Gomez well, located approximately 212

Page #	Section	Paragraph
		<p>feet south the pumping well, indicated that it was pumped regularly during the pumping test, it may be inferred that the pumping level of the Gomez well was drawdown a maximum of three to four feet during the pumping test.</p>
	<p>Comment 2</p>	<p><i>As stated in the paragraph, the Gomez well was pumped regularly during the Weir Well No. 1 pumping test. According to the Fugro report, the Gomez well pump is set at 100 feet below the top of the well (approximately 19 to 20 feet below the static water level) and 20 feet above the bottom of the well, and the regular pumping from this configuration produced the confounding water-level artifacts that are clearly visible on Fugro, 2010 Plate 7. The graphical data of groundwater drawdown on Plate 7 however, shows no change in water levels from the start to the finish of the 72 hour pumping test at Weir well No. 1 other than the effects of periodic pumping, which produced approximately 19 feet of drawdown in several cycles, and the regular cyclic pumping, which produced approximately 3 feet of drawdown in the Gomez well. This regular cyclic pumping produced a rapid 3-foot drawdown that was followed by a gradually recovery, and this cycle was repeated at regular intervals throughout the 72 hour pumping period. It is this drawdown/recovery cycling that has been interpreted as "Possible Weir Well #1 Interference" on Fugro, 2010 Plate 7. Golder Associates' opinion is that this pump cycling likely occurred to maintain water pressure in the Gomez water supply system. The 3-foot magnitude of this drawdown/recovery cycle began about 2 hours into the test, is consistent throughout the 72 hour period, and shows no change that could be inferred to be interference effects attributed to the pumping test at Weir well No. 1. The drawdown of approximately 19 feet that occurred several times during the 72-hour pumping test indicates that the Gomez pump removed water from the well faster than the well recharged causing the pump to shut off and groundwater to drop below the depth of the transducer used by Fugro to measure water level changes in the Gomez well. As expected, the recovered water level after each of these 19-foot drawdown cycles is slightly lower than the water level before the cycle because the well did not have sufficient time to return to static conditions.</i></p> <p><i>Golder Associates' opinion of the water-level data presented on Fugro's Plate 7 is that the water-level changes measured within the Gomez well during the 72-hour pumping test at Weir well No. 1 were caused by pumping in the Gomez well and not by pumping from Weir well No. 1.</i></p>
<p>V-245</p>	<p>K. 5. a. 4.</p>	<p>During the simultaneous pumping of the Weir wells operated by Landfill staff following the end of the pumping program, water levels within all of the wells were measured and recorded. During this time, the water meters for the individual Weir wells were not recorded, but several water meter readings at the pond outfall meter were recorded. Based on the infrequent cumulative pond water meter readings and the continuous water level data from each of the wells, it was surmised that all of the Weir wells were pumping in repeated on/off cycles throughout the seven day period between November 30 and December 7, 2009.</p>

Page #	Section	Paragraph
		The pumping rate was approximately 31,000 gpd, or 25 afy. Of the off-site and monitoring wells, only the Gomez well appeared to be affected by the pumping (refer to 2010 Report Plates 5 through 11, Appendix G). The Gomez well is affected by some pumping stresses, on the order of several feet (Fugro, 2010).
	Comment 3	<p>The above paragraph states that the Gomez well was affected by pumping stress during the simultaneous pumping test of the three Weir wells and the assumed interference (drawdown) is listed in Table V.K.-6. Golder Associates reviewed the graphical data of groundwater drawdown on Fugro, 2010 Plate 5 and the Gomez well hydrograph in Appendix D, and concluded that the starting water level in the Gomez well on November 30 (the beginning of the 7-day simultaneous pumping) was the same as the ending water level on December 7, 2009 and beyond. The same water levels at the start and end of the 7-day test means there was no pumping stress on the Gomez well, and the listed drawdown in Table V.K.-6 should be changed to 0 feet. In fact, the water level in the Gomez well increased from the beginning of the testing program in early November to the end of the testing program in mid December 2009. The only changes in the depth to water in the Gomez well during the 7-day test are the 3-foot drawdown/recovery cycles, which were also observed before, during, and after the individual and simultaneous pumping at Weir well Nos. 1, 2, and 3, and the drops of approximately 19 feet (to the depth of the Gomez well pump), which were also routinely observed during periods of pumping and non-pumping of the three Weir wells. As shown on Plate 5, the last of these 19-foot drops occurred after the conclusion of the simultaneous pumping test and therefore, these drops cannot be attributed to the aquifer testing. Fugro also draws this conclusion where they state on Plate 9 that this 19-foot drawdown was not coincident with Weir well No. 2 pumping. The regular 3-foot drawdown/recovery cycling during the first 4 ½ days of the simultaneous pumping test was likely caused of the pump in the Gomez well switching on for short periods to bring the supply system back up to the desired pressure. Based on well dimensions and pump capacity provided by Fugro, 3 feet represents approximately 17 gallons of water in the casing and could be pumped out in approximately 1 minute by the Gomez pump.</p> <p>It is Golder Associates' opinion that the potential production rate from Weir well No.3 was significantly underestimated by Fugro. The "average" pumping rate of 8.5 gpm during the 72-hour pumping test reported by Fugro and used in the RDEIR in Tables V.K.-1 and V.K.-2, was likely an artifact of a poorly operating or malfunctioning pump controller or an undersized pump and not the limitation of the well and the aquifer to supply water. The hand-measured water levels collected by Fugro (see Plate 4) indicate that more than 100 feet of water was above the pump at the end of the first day and increased to more than 170 feet of water above the pump at the end of the second day and end of the third day of the 72-hour test. Golder's opinion is that the pumping test, as performed, did not stress the aquifer at Weir well No. 3, and using 8.5 gpm as the well capacity is inappropriate because significantly more water was available in the well.</p>
V-246	K. 5. a. 4.	There is no well pumping data in the 2010 Report to suggest the Weir wells can

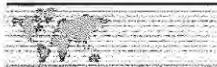
Page #	Section	Paragraph
		<p>sustainably produce more than 25 afy. However, based on the discussions below, the Landfill may need the wells to produce at a level greater than 25 afy. Pumping at a higher rate would potentially increase drawdown at both on and off-site wells and change the quantity or movement of groundwater in the basin. Water levels in on-site and proximate off-site wells may drop to a level where they can no longer serve the existing surrounding or off-site uses (i.e., residential, agriculture).</p>
	<p>Comment 4</p>	<p><i>Summary and Conclusions</i> Bullet 2, page 18 of the Fugro 2010 reports says “Based on the pumping tests, landfill-operated pumping before and after our tests, and documents used between March and July of 2010, the wells can likely supply between 31,000 and 56,000 gpd to the landfill.” On page 12, Fugro says “Given the range of daily water usage documented in this study from 31,000 gpd to as high as 74,000 gpd, we conclude that on-site water demand is presently on the order of about 50,000 gpd and that this demand can be met by the three Weir wells.” On page 13, Fugro also says that “Again, based on the above we conclude that the existing Weir wells are capable of providing at about 50,000 gpd for 5 of the 7 days per week.”, and on page 18, Fugro says the landfill well yield simply cannot sufficiently stress the aquifer to create large distance interference effects. The 25 afy is based on a pumping rate of 31,000 gpd, which was the estimated “average” pumping rate during the 7-day simultaneous pumping test that was based on infrequent readings at the pond discharge and not on meter readings at the wells. We do not find any statements in the Fugro 2010 report that says 25 afy is the maximum sustainable yield. Rather, it is the low end of the range, and as described above in Comment 3, there was no measurable effect on offsite private wells and therefore no impact on nearby wells at this lower rate. If the upper end of the likely supply range of 56,000 gpd is used, approximately 62 afy are available.</p> <p>Fugro 2010 (pages 9 and 10) predicted that if the three Weir wells were continuously pumped at a combined rate of 31,000 gpd for 1 year (which does not match groundwater usage), with Weir well No.1 producing 14 gpm, the predicted drawdown in the Gomez well would be less than 5 feet of the approximately 40 feet of available drawdown. If the pumping rate were increased to 50,000 gpd, with Weir well No. 1 producing 22 gpm (31,700 gpd), the Gomez well drawdown would be approximately 8 feet. Because Fugro did not include their Theis distance-drawdown calculations or input parameters, it is not possible to objectively evaluate what they did or the validity of their findings.</p> <p>The Gomez well is 120 feet deep and had groundwater at 80 feet when it was installed in 1989 when the Weir wells were not being used for water supply at the Cold Canyon Landfill. The Gomez well also had groundwater at 80 feet before, during, and after the recent pumping tests. This consistency in water levels suggests that historical pumping from the Weir wells, on the order of about 50,000 gpd as stated by Fugro on page 12, has not resulted in the 8 feet of predicted drawdown and has had no long-term effect on neighboring wells.</p>

Page #	Section	Paragraph
		<i>We find no data or statements in the Fugro report to support the RDEIR statement that pumping would potentially increase drawdown in onsite wells. As Fugro shows on Plate 6, water levels rose in onsite wells Weir 3, B-1, P-4, P-10, and P-12 during the 72-hour pumping test in Weir 1, while the water level dropped in Weir 2 during the first 10 hours of the test and remained stable after that. Similarly, Fugro's Plate 8 shows that water levels rose in onsite wells Weir 1, Weir 3, and P-6, or were stable in onsite wells B-1, P-10, and P-12 during the 72-hour pumping test in Weir 2. Fugro did not provide an explanation as to why water levels rose during the pumping tests even though this is a significant deviation from the anticipated results of a pumping test.</i>
V-246	K. 5. a. 4. WR Impact 1	Pumping the Weir wells at a rate greater than 25 afy has the potential to deplete groundwater supplies or interfere substantially with groundwater such that the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses.
	Comment 5	<i>It is Golder's opinion that WR Impact 1 is not supported by the hydrogeologic data presented in the Fugro 2010 report and should be removed. See comments 2, 3, and 4 for details.</i>
V-246	K. 5. a. 4. WR/mm-1	Limit Groundwater Extraction. Throughout the life of the project, to protect groundwater resources, the applicant shall not extract more than 25 afy from the three Weir wells in any 12-month period.
	Comment 6	<i>It is Golder's opinion that selection of 25 afy as the maximum allowable combined withdrawal is not supported by data presented in the Fugro 2010 report. See comments 2, 3, and 4 for details.</i>
V-246 and 247	K. 5. a. 4. WR/mm-1	<p>Weir Well Water Use and Monitoring Program. Prior to issuance of the Notice to Proceed for any component of the proposed project, in order to monitor ongoing groundwater use at the Landfill, the applicant shall prepare and submit to the Department of Planning and Building, a Weir well monitoring program prepared by a qualified hydrogeologist. The program shall:</p> <ul style="list-style-type: none"> • Document how use of the Weir wells shall be monitored to ensure accurate long-term recording of use in a consistent manner. • Include an easily implementable water use conservation strategy which would be implemented as these wells approach the 25 afy rate, and more substantial water reduction measures required to insure that the 25 afy rate is not exceeded. • Be coordinated with the other long-term monitoring efforts, such as those described in HAZ/mm-10 to address odors. • Include a provision that requires monthly reports be provided to the County Department of Planning and Building that include extraction rates and measures applied to avoid exceeding the 25 afy threshold. The Applicant shall notify the County immediately should the 25 afy threshold

Page #	Section	Paragraph
		be exceeded to determine the appropriate course of additional action to avoid significant impacts to surrounding wells.
	Comment 7	<i>It is Golder's opinion that these mitigation measures are unnecessary because 25 afy as a limit is not supported by the hydrogeologic data presented in the Fugro 2010 report and should be removed. See comments 2, 3, and 4 for details.</i>
V-247	K. 5. a. 4. Residual Impact	These measures would limit groundwater production on-site to a level that that can be sustained without interfering with other on-site or off-site wells. Impacts would be less than significant with mitigation (Class II). No additional mitigation is required.
		<i>It is Golder's opinion that there is no technical information presented in the Fugro 2010 report that limit or state that 25 afy is the highest sustainable groundwater production rate that will not interfere with on-site or off-site wells. See comments 2, 3, and 4 for details.</i>
V-249	K. 5. b. 7.	Based on Tables V.K-8 and 9, daily maximum demands (34.5 afy) could potentially be met with existing supplies (34.1 afy). However, during drier years (a reasonable worst-case scenario), less surface water and leachate, which currently provide as much as 9 afy, would be available for use. In addition, future modules may not include a pond capable of supplying surface water in the amounts currently supplied by the Module 8 pond. During dry years, the Landfill may need to rely almost entirely on groundwater to meet demand, and there is no data available to indicate that the Weir wells can sustainably produce more the 25 afy. Therefore, the water demand would potentially exceed supply by approximately 9 afy.
	Comment 8	<i>It is Golder's opinion that there is no technical information presented in the Fugro 2010 report that limit or state that 25 afy is the highest sustainable groundwater production rate that will not interfere with on-site or off-site wells. See comments 2, 3, and 4 for details.</i>
V-250	K.5.b.7. WR/mm-4	Use of Stormwater. Upon submittal of final drainage plans/grading permit, the proposed detention basins and other drainage improvements shall be designed to retain stormwater for use on-site as dust control or as irrigation water for the Compost Operation, to the extent allowed by other regulations. To minimize the percolation of surface water from sediment ponds and detention basins, they shall be lined.
	Comment 9	<i>This mitigation measure appears to be intended to increase water supply that has been deemed necessary to supplement an assumed maximum available groundwater supply of 25 afy. As stated in previous comments, Golder Associates' opinion is that there is no technical basis for assuming 25 afy is the maximum sustainable groundwater supply, and implementing a mitigation measure that may marginally increase surface water supply is inappropriate. Lining basins to minimize the percolation of surface water from sediment ponds and detention basins will negatively affect the groundwater resource through reduced infiltration rather than allowing infiltration to replenish the aquifer during periods when overall water demand is low.</i>
V-250 and	K. 5. b. 7. Residual	Therefore, it is concluded that because (1) the only proven long-term water supply at the Landfill is groundwater, (2) the sustainable groundwater

Page #	Section	Paragraph
251	Impact	production rate is 25 afy, (3) the effects of the recommended mitigation measures are not quantifiable and could vary widely over time, and (4) the maximum water demand would be as high as 34.5 afy, even after implementation recommended mitigation measures, the existing water supply would not meet the estimated demands. The impact would be significant and unavoidable (Class I).
	Comment 10	<i>It is Golder's opinion that there is no technical information presented in the Fugro 2010 report that limit or state that 25 afy is the highest sustainable groundwater production rate that will not interfere with on-site or off-site wells. See comments 2, 3, and 4 for details.</i>
V-252	K. 5. c. WR/mm-6	Module Construction – Water Use. Prior to issuance of the Notice to Proceed for construction of each module, the applicant shall provide verification to the Department of Planning and Building of the source of the water to be used for construction purposes. Water used for construction shall only come from any combination of the following sources: <ol style="list-style-type: none"> 1. On-site ground or surface water supplies (as long as it will not require on-site groundwater production of greater than 25 afy); 2. Reclaimed or recycled water (i.e., Price Canyon Oilfield, vineyard wastewater, City of San Luis Obispo “purple pipe”); and, 3. An alternative source shown to be a sustainable supply.
	Comment 11	<i>It is Golder's opinion that there is no technical information presented in the Fugro 2010 report that limit or state that 25 afy is the highest sustainable groundwater production rate that will not interfere with on-site or off-site wells. See comments 2, 3, and 4 for details.</i>
V-252	K. 5. c. Residual Impact	Because water resources in the basin (and County in general) are limited, this measure encourages use of reclaimed water to the extent feasible during construction. In the event that on-site groundwater is used, this measure also requires the applicant to confirm that construction use of groundwater would not require a total annual production of greater than 25 afy. As an alternative, the applicant could also use another source, if it can be shown to be a sustainable source. Use of reclaimed water, or ground or surface water from on-site would reduce the impact to less than significant (Class II).
	Comment 12	<i>It is Golder's opinion that there is no technical information presented in the Fugro 2010 report that limit or state that 25 afy is the highest sustainable groundwater production rate that will not interfere with on-site or off-site wells. See comments 2, 3, and 4 for details.</i>

Page #	Section	Paragraph
V-252	K. 5. e.	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 (Fugro, 2008). 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.
	Comment 13	<i>CCR Title 27 Section 20415(e)(6) requires quarterly sampling for a minimum of 1 year, including the times of expected highest and lowest annual elevations of the groundwater surface. Eight quarters of background data is not required.</i>



Resumé
TOM VERCOUTERE

Education

M.S. Geology, San Jose State University, 1984

B.A. Earth Sciences, University of California Santa Cruz, 1978

B.A. Economics, University of California Santa Cruz, 1978

Certifications

Professional Geologist, State of California

Certified Environmental Manager, State of Nevada

OSHA 10-hr construction training, 2007

OSHA 40-hr HAZWOPER, 1990

Golder Associates Inc. – Sunnyvale**Employment History****Golder Associates – Sunnyvale, California**
Senior Consultant (2005 to Present)

Tom Vercoutere is a senior consultant in Golder's Sunnyvale office. He brings more than 25 years of experience as an environmental consulting geologist in the solid waste sector and 9 years of experience as a research geologist with the US Geological Survey.

Conor Pacific – Mountain View, California
Senior Consultant (2000 to 2005)

Managed and implemented technical services, schedules, and budgets for a full range of environmental projects including the implementation of state and federal water quality regulations at solid and hazardous waste facilities. He provided expertise in environmental monitoring program design and implementation, evaluation and characterization of site groundwater, soil, and landfill gas, financial/budget planning, and acted as liaison for public and private sector clients with regulatory agencies. Project responsibilities included ongoing water-quality evaluation, design, and implementation of fault activity and subgrade suitability investigations for landfill siting and expansion, geologic and hydrogeologic investigations at solid waste disposal facilities, preparation of permitting documents, and development and negotiation of appropriate remedial solutions.

EMCON Associates – San Jose, CA*Northern California Solid Waste Geoservices Group Manager (1987 to 2000)*

Managed a wide range of geologic and hydrogeologic projects for municipal and hazardous waste landfill sites. He supervised a team of staff- and project-level geologists and environmental scientists devoted to solid waste projects, and a group of field-services technicians devoted to groundwater, soil, surface water, and landfill gas sampling. While at EMCON, he designed and supervised several Subtitle D detection, assessment, and corrective action monitoring programs including the development of water-quality monitoring networks and selection of indicator parameters and statistical evaluation procedures for determining the effectiveness of each program. He published papers and gave presentations at national conferences on topics related to groundwater evaluation at municipal landfills. Additionally, he conducted environmental impact studies, as well as RCRA/CERCLA and Superfund remedial investigation and feasibility studies. He has designed and supervised exploration and testing programs for hydrogeological site characterization for groundwater flow and groundwater extraction at industrial and landfill sites, designed and installed groundwater, leachate, and landfill gas monitoring and extraction wells, and vadose-zone monitoring stations, performed and evaluated hydrologic aquifer tests, and conducted geologic mapping, geophysical investigations, and aerial photograph studies.



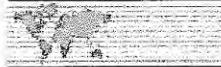
Resumé

TOM VERCOUTERE

U. S. Geological Survey – Menlo Park, California

Geologist (1978 to 1987)

Served as a sedimentologist and exploration geologist during his tenure with the USGS. While at the USGS, he published maps, articles, reports, and reviews describing his research on modern and ancient sedimentary environments, and on continental and island-arc volcanism and their associated mineral resource occurrences including work in Micronesia. He gained extensive experience in geologic mapping, trench logging, aerial photointerpretation, and conducting and applying geochemical surveying to mineral exploration.



Resumé
TOM VERCOUTERE

PROJECT EXPERIENCE – SOLID WASTE
Landfill Expansion
 San Luis Obispo,
 California

Project manager for evaluation of geologic and hydrogeologic conditions as part of a siting study for a future landfill expansion. Detailed logging and mapping of soil and bedrock was used to determine the age and location of an identified fault. A drilling program was designed and implemented to clarify the pre-Holocene fault's effect on groundwater flow. Downhole geophysical surveys were run to characterize water producing zones and packer tests were performed on discrete zones above, within, and below the fault. Groundwater wells were installed to determine piezometric elevations, and pumping tests were performed to provide hydraulic properties of the major water bearing zones for future use in flow and velocity calculations and for water resource availability.

Landfill Expansion
 Solano County,
 California

Project manager for characterization of geologic and hydrogeologic conditions over a 200-acre parcel for a future landfill expansion. The information obtained was presented in a landfill siting study and in hydrogeologic characterization reports for use by landfill engineers to prepare final construction drawings and details and for technical support for an Environmental Impact Report. Detailed engineering geologic maps of landfill module subgrades were prepared to evaluate foundation suitability and slope stability, locate faults, and identify groundwater seeps and flow rates. Wells were installed for use in determining depth to groundwater, groundwater gradient and flow direction, seasonal water table fluctuations and aquifer recharge, background water-quality conditions, and water-quality monitoring. Downhole geophysical logging was used to identify water-bearing zones, and obtain lithologic and stratigraphic information for enhancing the site's overall groundwater flow model. Hydrogeologic properties of the aquifer were characterized by groundwater pumping tests, and static and transient groundwater models were prepared to evaluate the effectiveness and feasibility of operating water supply wells as well as groundwater seepage from cut slopes as the landfill was developed. This information was used to design water storage and conveyance systems to meet seasonal and long-term water demands and to design subgrade groundwater drainage systems.

Landfill Expansion
 San Mateo County,
 California

Managed and evaluated hydrogeologic conditions and developed a groundwater flow model to support liner and subgrade drainage system design for a bedrock landfill expansion where portions of the subgrade were below the groundwater table. The scope of work included continuous air-rotary coring to as much as 360 feet below ground surface, packer testing to characterize aquifer hydraulic properties and groundwater flow through the fractured bedrock, and downhole geophysical logging to determine fracture orientation. The groundwater flow model was used to evaluate potential changes to flow directions caused by changing recharge zones and to estimate groundwater discharge rates for use in designing a dewatering system.

**Environmental Site
 Assessment**
 Santa Clara County,
 California

Designed and implemented an environmental site assessment to determine baseline conditions and suitability of an inactive landfill for use as a site for an anaerobic digestion (AD) facility. Assessment included chemical and physical characterization of landfill cover, waste, groundwater, landfill gas, soil gas, and fugitive gas emissions. Work products used for technical support for CEQA/EIR, land-use permitting, design of the AD facility, and for design and construction of environmental monitoring systems and programs.



Resumé
TOM VERCOUTERE

**Water-Quality
Monitoring Program
Design
California, Nevada, and
Oregon**

Designed water-quality monitoring program upgrades for compliance with Subtitle D requirements for twelve municipal solid waste and one hazardous waste landfills in California, Nevada, and Oregon. Site geologic and hydrogeologic characterizations were performed, water-quality data were evaluated for spatial variations, and site-specific indicator parameters and statistical evaluation procedures were selected.

**Surrogate
Groundwater
Monitoring Program
Design
Whittier, California,**

Developed surrogate groundwater monitoring program for a landfill in the Los Angeles area that relies on the use of unsaturated-zone volatile organic compound composition and concentrations. The site has an extensive multilevel unsaturated-zone monitoring network in place and groundwater is more than 300 feet deep. The regulatory agency approved the program for compliance with state and federal regulatory requirements.

**Assessment
Monitoring Programs
San Benito County,
California**

Managed and evaluated water quality and hydrogeologic conditions for a site under the regulatory oversight of the U.S. EPA, the California DTSC, and the Central Coast RWQCB. Contaminant capture by the existing groundwater extraction system was evaluated and recommendations were made to enhance the system's effectiveness. Leachate and landfill gas were evaluated as potential sources of groundwater contamination. The results were used to improve site operations and upgrade the site's landfill gas extraction system. The groundwater monitoring network recommendations were negotiated with the regulatory agencies to improve the efficiency and cost-effectiveness of the monitoring programs.

**Assessment
Monitoring Programs
California**

Implemented assessment monitoring programs at landfills in San Bernardino, Santa Clara, San Luis Obispo, Santa Cruz, and Solano Counties. Nature and extent of impacted groundwater zones were determined, source and contaminant transport mechanisms were characterized, and remediation/control strategies were developed. These control strategies were developed in the context of beneficial uses of the water and included pumping and treating groundwater, landfill-gas extraction, cut-off walls, air sparging, and vapor extraction systems.

**Corrective Action
Evaluations
Santa Clara County,
California**

Evaluation of corrective action and effectiveness of leachate extraction at a landfill in the San Francisco Bay Area. Developed program and procedures to evaluate leachate extraction capacity and determine area of extraction influence and optimum extraction rates. Provided alternative strategies to meet regulatory goals.

**Groundwater
Remediation
California**

Project manager for groundwater remediation programs at several landfills in California. Remedial actions used included source and impacted media controls. Source controls were implemented to minimize landfill gas and leachate transport of contaminants to groundwater. Impacted media controls included groundwater extraction system design, siting, and installation, and siting and installation of permeable reactive barrier walls.

**Due Diligence
Evaluation
San Diego, California**

Evaluated environmental liability for a corporate buyout of San Diego County's solid waste transfer and disposal facilities. Included assessment of regulatory compliance and estimate of potential future expenditures to achieve compliance and mitigate known contaminant conditions. Potential environmental liability estimates exceeded \$15M.



Resumé
TOM VERCOUTERE

**Landfill Gas Migration
Monitoring Programs**
California

Designed and prepared perimeter landfill gas migration monitoring programs for eight public and private sector landfills constructed on soil and bedrock. Developed strategies for differentiate between landfill and natural sources of methane in the subsurface. Negotiated special compliance conditions with State regulators for a site with naturally occurring methane in the subgrade.

**Financial Assurance
Cost Estimation**
California

Managed and developed strategies for estimating future financial costs for private and public sector landfill owners to perform corrective action for known or reasonably foreseeable releases from their landfills. Corrective action scenarios dealt with nature and extent of release characterization, remediation of organic solvent and/or inorganic constituent releases, calculation of number of years to complete remediation, and estimating the present worth of such systems, which ranged from \$200K to more than \$1,000K.

**Unsaturated Zone
Detection Monitoring**
California

Prepared unsaturated zone detection monitoring program feasibility investigations including design, installation, and QC testing requirements of the monitoring system in soil and bedrock environments.

**NPDES Special
Monitoring**
Half Moon Bay,
California

Managed and prepared a NPDES special monitoring program to characterize the effluent and receiving water for the site's groundwater treatment system. The project involved developing a sampling and analytical plan for several organic and inorganic constituents including ultra low-level mercury. Project involved 18 months of sampling, building a site-specific data base, evaluating the water quality data, and developed achievable site-specific discharge limits.

**Storm-Water Pollution
Prevention Plans**
California

Prepared storm-water pollution prevention plans and monitoring programs in compliance with NPDES regulations for more than 15 active and inactive landfills.

**Fault Activity
Investigations**
California

Supervised and conducted investigations at waste management facilities in California to determine activity of the Hillside fault in San Mateo County, the Canada de la Brea fault in Ventura County, the Indian Knob fault in San Luis Obispo County, and the Calaveras fault zone, in Santa Clara County, California. The work included detailed aerial photograph evaluation, soil and bedrock trench logging, soil age dating, geologic mapping, and evaluating historical seismicity. Several of the faults were confirmed as inactive and allowed landfill expansion to proceed.

Supervised and conducted an investigation to evaluate the effects of a range-front fault on groundwater flow at a closed Superfund landfill in southern Nevada. The program combined surficial geologic mapping with exploratory drilling and surface and subsurface geophysical investigations, and groundwater geochemical profiling.

**Leachate Extraction
Systems**
San Mateo County,
California

Developed, designed, and managed construction of leachate extraction system to lower fluid levels inside the landfill and stop surface seepage at the closed Marsh Road Landfill in Menlo Park, California. The system consisted of several hundred feet of extraction trenches, automated sump pumps, and several thousand feet of conveyance piping to a discharge point in the sanitary sewer system. The project value was in excess of \$300K.



Resumé
TOM VERCOUTERE

**Solid Waste
Assessment Test
Investigations
California**

Managed and prepared SWAT proposals for four California landfills, and prepared SWAT reports for nine California landfills. The regulatory-driven program objective was to perform a first-time assessment site hydrogeologic and water quality conditions (the SWAT Proposal) and determine whether releases had occurred for the landfill in the state.

PROJECT EXPERIENCE – INDUSTRIAL
**Industrial Site
Characterization
San Carlos, California**

Project manager for site characterization and groundwater monitoring services for a former oil-recycling site. Designed, permitted, and implemented a phased hydrogeologic investigation to characterize the hydrogeology and extent of contamination per an existing closure plan for this RCRA site. This site has a complex mixture of chemicals, primarily petroleum hydrocarbons, chlorinated solvents, metals, and PCBs. The plume at this site extends to depths of approximately 70 feet and is monitored off site by continuous-multichannel tubing (CMT), which allows several discrete zones of the subsurface to be monitored via one borehole. Also successfully negotiated with the CalEPA/DTSC to use innovative investigative and groundwater-sampling techniques as well as negotiating reduced monitoring requirements to save the client more than \$30K in monitoring and analytical costs each year.

**Plume Delineation and
Groundwater
Extraction
Santa Clara County,
California**

Performed hydrogeologic investigations and designed and installed ground-water monitoring and extraction wells for remediation of contaminated ground water at industrial sites including GTE Government Systems, Signetics Corp., Quantic Industries, Westinghouse Electric Corp., Synertek, and VSL Corporation.

TRAINING

OSHA/SARA 29CFR1910.12 Certificate of Training (40 hour)

OSHA/SARA 29CFR1910120(e)3 Certificate (8 hour supervisor)

Princeton Groundwater Pollution and Hydrology Course (40 Hours)

Response to Comments from Tom Vercoutere, PG, Golder Associates

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

Comment No.	Response
CCL/TV-1	<p>This comment states that the conservative assumptions used to estimate recharge significantly underestimates the groundwater resource in the aquifer and questions the estimate of the regional recharge to the aquifer in the CCL "sub-basin" by using a lower range value of average annual rainfall (9 percent of about 22 inches of average annual rainfall) for the area that becomes deep percolation, derived from more regional work by the DWR in the nearby Santa Maria basin. An argument is advanced by the commenter that water level variations in wells in the CCL sub-basin support a higher percentage of the average annual rainfall that recharges the basin. However, no specifics are provided by the commenter on what wells were considered (location, depth, design) and water level data (periods of record and rainfall events such as magnitude and duration) to support a higher value of average annual rainfall. The commenter suggests that a "higher value for recharge therefore is appropriate", although the commenter does not advance what this higher value should be. The estimate of average annual recharge advanced in Section K.1.c. of the 2011 REIR reflects annual rainfall amounts that vary around a long-term average. As is typical on the Central Coast of California, most recharge to groundwater basins occurs during those years when the rainfall greatly exceeds the long-term average, which would create greater fluctuations in water levels in wells. Conversely, during years of below average rainfall, recharge to aquifers may be minimal. Use of water levels in wells to estimate volumes of seasonal recharge (i.e., the specific yield method) requires application of basin-wide estimates of water level and aquifer porosity data. It should be realized that such data are also estimates, and result in uncertainty. For the purposes of the REIR, the estimated average annual recharge value of 281 acre-feet per year is considered reasonable and adequately conservative. No changes to the FEIR are necessary.</p>
CCL/TV-2	<p>This comment provides the opinion that the water-level data presented on Fugro's Plate 7 is incorrect. The commenter suggests that water-level changes measured within the Gomez well during the 72-hour pumping test at Weir well No. 1 were caused by pumping in the Gomez well and not by pumping from Weir well No. 1. Upon further inspection and analysis of the relationship of observed drawdown in the Gomez well and the pumping cycles of the Weir Well No. 1, the EIR consultant's geohydrologist (Fugro) agree that the "possible interference" of 3 to 4 feet of very regular and cyclical drawdown in the Gomez well is not the result of pumping the Weir Well No. 1. An explanation is advanced by the commenter that the 3 to 4 feet of repeated cycles of drawdown can be better explained by very short term pressure drops in the Gomez water system which result in the Gomez well turning on for short periods of time (likely on the order of a few seconds) to restore pressure in the water system. Upon review of the drawdown data, Fugro concurs with the commenter that the 3 to 4 feet of repeated cycles of drawdown are caused by pressure drops in the Gomez water system and are not attributable to interference effects from the operation of the Weir wells, or from other landfill wells. It should be noted, however, that although no interference impacts were observed during the pumping tests, the aquifer characteristics indicate that a minor interference drawdown in the Gomez well should be expected after one year of pumping, as is explained in more detail in the response to Comment CCL/TV-5, below. The FEIR has been revised to reflect the change in opinion on this matter by the EIR consultant.</p>

Comment No.	Response
CCL/TV-3	This comment states that the opinion of the applicant's geohydrologist is that pumping tests conducted by the EIR consultant (Fugro) did not stress the aquifer at Weir Well No. 3 and using a well capacity of 8.5 gallons per minute is inappropriate because significantly more water was available in the well. As indicated in response "CCL/TV-2" above, the Gomez well was not affected during the 72-hour pump test observations. The FEIR has been revised to reflect the change in opinion on this matter by the EIR consultant.
CCL/TV-4	This comment relates to the issue of increased pumping of the Landfill wells beyond 25 AFY and the regional impacts that could occur. A mitigation measure (i.e., WR/mm-1) to limit groundwater use by the Landfill to no more than 25 AFY was recommended in the 2011 REIR, which as described in several responses above has been removed from the FEIR. As indicated in the response to comment CCL/TV-2, no drawdown has occurred in the Gomez well that can be attributed to the operation of the Landfill Weir wells based on testing conducted by Fugro. The FEIR has been revised to reflect the change in opinion on this matter by the EIR consultant.
CCL/TV-5	This comment states that WR Impact 1 (i.e., "pumping the Weir wells at a rate of 25 AFY has the potential to deplete groundwater supplies or interfere substantially with groundwater such that the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses") is not supported by hydrologic data. Fugro concurs with this comment and concludes that groundwater withdrawal in the range of 25 AFY to as high as 34 AFY can be supported by the data. Responses to the commenter's concerns are noted in responses to Comments CCL/TV-2, -3, and -4 above. It should be noted that groundwater pumpage during the multiple day tests did not cause drawdown in the adjacent Gomez Well. However, during prolonged periods of pumping it is anticipated that the combined Weir wells will cause moderate drawdown in adjacent wells. Based on the proposed pumping rates and durations, Fugro performed a standard Theis analysis at pumping rates equal to 25 AFY for one year (31,000 gpd during 5 days per week, average pumping rate of 15.4 gpm, storativity equal to 0.25, and transmissivity equal to 637 gpd/ft, as suggested by Golder, 2007). The analysis assumed all of the pumpage would derive from Weir Well 1 (which is not altogether warranted based on Fugro's understanding of the system). Based on the analysis, the interference drawdown at the Gomez Well, located approximately 200 feet from Weir Well No. 1 would be approximately 5 feet. At a reduced pumping rate equal to 10 afy (12,400 gpd or an average of 6.2 gpm, proposed as a response to Comment CCL/TV-8), the anticipated drawdown at the Gomez Well after one year of pumping the Weir Well No. 1 would be approximately 2 feet. These longer term predicted water level drawdown effects (i.e., interference) are within the range of seasonal water level variations which occur in the basin and therefore, as has been previously stated in our reports, would not create an unreasonable and adverse impact to the Gomez well, or other wells in the groundwater basin.
CCL/TV 6-12	These comments state that selection of 25 AFY as the maximum allowable combined withdrawal is not supported by data presented in the 2011 REIR. This was also noted in detail in comments CCL/TV-2, -3, and -4. Fugro concludes that groundwater withdrawal in the range of 25 AFY to 34 AFY can be supported by the data. Responses to the commenter's concerns are noted in responses to Comments CCL/TV-2, -3, -4 and -5.
CCL/TV-13	This comment states that Title 27 requires quarterly sampling for a minimum of one year and that eight quarters of background data are not required. The FEIR has been revised to reflect this information.

**RDEIR Comments
July 11, 2011
Cold Canyon Land Fill, Inc.
Waste Connections, Inc.**

ATTACHMENT 3

**Cold Canyon Landfill Expansion
Recirculated Draft Environmental Impact Report
Comments Provided by Douglas Environmental
July 11, 2011**

Page #	Section	Paragraph
		III. PROJECT DESCRIPTION
III-24	D.2	The proposed project would increase the Landfill permitted daily tonnage limits from 1,620 tons per day (tpd) to 2,500 tpd. This increase of 880 tpd would accommodate anticipated increases in compostable and recyclable materials and maintain existing disposal limits (refer to Table III-3).
	Comment 1	<i>This paragraph incorrectly identifies the proposed project's increased tonnage limit as 2,500. As correctly identified in Table III-3 on page III-25, the permit limit would increase from 1,620 tpd to 2,350 tpd.</i>
		H. HAZARDS AND HAZARDOUS MATERIALS
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 2	<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-188	H.5.e	The project would not necessarily result in larger or additional exposed working faces within the Landfill modules. Consistent with CalRecycle regulations, preventative measures are currently applied to decrease or eliminate accessibility of disposal area materials to birds, including covering the active working face and frequent compaction of trash. Currently, falcons are used as a method to discourage birds from roosting and feeding at the Landfill. These practices have been active during multiple site visits by the EIR consultant. These measures reduce the potential number of birds at the Landfill and subsequently reduce the potential that the birds would spread disease away from the Landfill. It also reduces the risk that birds would affect aircraft.
	Comment 3	<i>The paragraph states that the project would not result in larger or additional exposed working faces and that preventive measures are currently applied to decrease or eliminate accessibility of disposal area materials to birds. The paragraph further states that these measures reduce the potential number of birds at the Landfill and the risks posed by birds.</i>

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		<i>Therefore, it is unclear why the Additional Bird Deterrent Program identified in HAZ/mm-3 and the Birdstrike Monitoring identified in HAZ/mm-4 on page V-188 is necessary. CEQA does not require mitigation for less-than-significant impacts and there is no evidence that the landfill's operations have adversely affected aircraft operations. The landfill is beyond the distance where special measures or an exemption to address potential bird hazards are required. Also, the proposed project will generally move operations further away from the airport.</i>
V-189	H.5.f.2	Composted material can present a fire hazard if moisture content of the vegetation becomes too low. The proposed project would potentially increase the amount of compost material accepted from 100 tpd (typical rate in recent years) to 300 tpd.
	Comment 4	<i>This paragraph incorrectly states that the proposed project would increase the amount of compost material accepted at the compost operation from 100 tpd (typical rate in recent years) to 300 tpd. As stated in Table III-3 on page III-25 of the Recirculated Draft EIR, the compost operation is currently permitted to accept 300 tpd of compost material and no changes in this permit limit are being proposed.</i>
V-196	H.5.h	HAZ/mm-10 - Compost Operation – Best Management Practices. To reduce odors from the Compost Operation and disposal areas, the applicant shall incorporate all applicable BMPs as developed by CalRecycle into the OIMP updates in perpetuity. These BMPs may include, but are not limited to:
	Comment 5	<i>Consistent with the other mitigation measures associated with the Compost Operations, the first paragraph of Mitigation Measure HAZ/mm-10 should commence with the following words, " Upon re-establishment of the Compost Operation."</i>
		I. NOISE
V-195	I.1.b.2.b	Table V.I.-3
	Comment 6	<i>The table identifies L_{max} levels that are lower than the L_{eq} levels for Sites B and C, which is not possible. The maximum noise levels are always higher than the average noise levels. The table also includes comments for these two sites that do not reflect the conclusions of the updated Brown-Buntin Associates Noise Study included as an appendix to the Recirculated Draft EIR. For example, the Noise Study states that bird whistles produce maximum noise levels in the range of 47 to 51 dBA but identifies maximum noise levels measured at Site B as 80 dBA L_{max}. Table V.I.-3 in the Recirculated Draft EIR comments that the L_{max} levels at Site B are associated with bird whistles even though the maximum noise levels associated with bird whistles are substantially below the recorded L_{max} at Site B. The table should be corrected to ensure consistency with the updated Noise Study.</i>
V-196	I.2.a	New or Modified Stationary Noise Sources - Noise created by new stationary sources, or by existing stationary sources which undergo modifications that may increase noise levels, shall be mitigated to not exceed the noise level standards for lands designated for noise-sensitive uses.
	Comment 7	<i>The Recirculated Draft EIR summarizes the Noise Element requirements for new or modified stationary noise source standards. However, it should be noted that the Noise Element further states that when the noise level standard is exceeded at the property line of vacant land (i.e., land that does not contain a habitable structure), such exceedance shall be waived</i>

Page #	Section	Paragraph
		<i>when the Director of Planning and Building determines that such vacant land is not likely to be developed with a noise sensitive land use.</i>
V-197	I.3.a	The threshold of significance for noise related impacts is the exceedance of a standard as established in the County's <i>Noise Element</i> by any proposed development project. Where the established standard is already exceeded, a significant increase in a noise level is taken as one decibel (1 dB).
	Comment 8	<i>This threshold is inconsistent with industry standards and conflicts with the threshold of 3 to 5 dBA included in the original Environmental Noise Assessment prepared by Brown-Buntin Associates, Inc. and included in Appendix E of the Draft EIR. 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-198	I.3.c	The County <i>Noise Element</i> states that new development of noise-sensitive land uses shall not be permitted where the noise level due to existing stationary noise sources will exceed noise level standards unless effective noise mitigation measures have been incorporated into the design of the development to reduce noise exposure to or below the allowable threshold (refer to Table V.I.-4). These noise thresholds are applied at the property line.
	Comment 9	<i>The stationary noise source threshold referenced applies to the new development of noise-sensitive land uses (e.g., residences, churches, hospitals). The project does not include the new development of a noise-sensitive land use. The expanded landfill operations will be considered a noise generator, they will not be a use that is sensitive to noise. Therefore, the appropriate threshold for "new proposed stationary noise sources" or "existing stationary noise sources which undergo modifications" (i.e., the landfill expansion) is identified in Policy 3.3.5 of the County General Plan Noise Element. The text of the Recirculated Draft EIR should be modified to identify the correct stationary source noise threshold for the proposed project.</i>
V-198	I.3.c	Construction activities include demolition of the existing and construction of the new RRP, CO, and MRF, relocation of the scalehouse and entrance road, excavation of modules, and stockpiling. Generally, other than limiting exceptionally noisy activities to certain times of the day and days of the week, the County currently has no noise threshold for temporary construction-related impacts. When considering noise impacts, the County of San Luis Obispo defines temporary as less than one year. For many projects, stockpiling would be considered a temporary construction activity, as it generally would last less than one year. However for the proposed project the use of stockpiles during module development and disposal activities would occur almost daily and over the long-term. Stockpiles would be created during module construction, and "removed" as the soil is needed as short- and/or long-term cover for the modules; therefore potential impacts associated with stockpiles have been evaluated using the stationary noise source thresholds.

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	Comment 10	<p><i>In defining the significance threshold for construction activities, the text of the Recirculated Draft EIR states that the County defines temporary as less than one year in reference to construction activities. However, there is no reference to this one-year threshold in the County's Noise Element and it is inappropriate to use the Stationary Source Noise Threshold when the module construction and soil stockpile access activities are clearly construction related and they occur intermittently.</i></p> <p><i>The use of the soil stockpiles for module development would only occur when a new module is being excavated or when the intermediate or final cover is applied to a filled module. For daily cover requirements, alternative daily cover would typically be used rather than soil. However, when used, the source is usually the soil excavated during the construction of the next module to be filled with waste materials rather than accessing longer-term soil stockpiles. Also, when access to the soil stockpiles is necessary, they would typically be accessed from the side located away from the property boundary. This way, the soil stockpile would act as a noise berm until it is nearly depleted. For these reasons, the use of the soil stockpiles should be treated as construction projects in the Recirculated Draft EIR and the discussion of the project's construction noise impacts should be modified to reflect this change.</i></p>
V-204	I.5.b.1	<p>Noise Mitigation Plan - Preparation. Prior to issuance of the Notice to Proceed, the applicant shall submit for review and approval, a Noise Mitigation Plan addressing identified potential noise impacts on the southeastern property line through construction of earthen berms. The plan shall be prepared by a qualified acoustical consultant.</p> <p>The berms shall be located either at the property line and/or near the active working face, based on recommendations from a qualified noise consultant, to effectively reduce impacts. Any berms located at the property line shall be landscaped in accordance with the proposed landscape plan and Aesthetic Resources mitigation measures.</p>
	Comment 11	<p><i>The construction of a berm adjacent to the active working face would much more effectively reduce offsite noise levels associated with disposal activities than the construction of a berm along the property line because the working face berm would continue to block the line of site between the noise source and the noise receiver as the landfill increases in elevation. An effective approach to installing a berm within the landfill disposal area adjacent to the working face is to modify the landfill's fill sequence and build the berm using garbage as the base covered with a layer of soil. Waste disposal activities at the working face then occur behind this garbage-filled berm. The berm would be located such that it blocks the line of site between the working face and the noise receptors. Although there would be a temporary construction noise impact associated with the installation of this berm each time a new lift is constructed within the waste disposal module, over the long-term, the offsite noise impacts would be substantially reduced when compared to constructing a berm along the site's southeastern property line because the noise generating activities would not rise above the elevation of the berm.</i></p> <p><i>This approach is a common practice at landfills in California because it effectively attenuates noise levels generated at the working face while ensuring the efficient use of landfill disposal capacity. In order to ensure this approach is effectively implemented at the project site, it is recommended that the first sentence of Mitigation Measure NS/mm-1 be modified as</i></p>

Page #	Section	Paragraph
		<p><i>follows: "Prior to issuance of the Notice to Proceed, the applicant shall submit for review and approval, a Noise Mitigation Plan addressing identified potential noise impacts on the southeastern property line through construction of earthen <u>or garbage-filled (within the landfill disposal area) berms.</u></i></p>
V-205	I.5.b.1	<p>NS/mm-3 - Noise Barrier Contingency Plan. Prior to issuance of the Notice to Proceed, a Residential Noise Barrier Contingency Plan shall be prepared by the Applicant and reviewed and approved by the County. The intent of this plan would be to provide relief to surrounding residences (within 1,800 feet from the landfill operation's outer property perimeter) that can demonstrate noise levels of 50 decibels or more from ongoing landfill operation activities. The point of measurement would be from the edge of the 'outdoor activity area.' An 'outdoor activity area' is considered an active and maintained area (e.g., backyard with maintained vegetation) existing at the time of approval of a proposed project. Once identified, the Applicant would complete one of the following options within 90 days of identification: 1) install approved on-site measure that is intended to substantially reduce noise at the residence to acceptable levels, and then re-measure after installation to verify adequate reduction, or 2) install well constructed noise barrier (as designed by qualified noise expert) at edge of active outdoor area of affected residence (and verifying noise measurement taken after installation for effectiveness), or 3) if such a noise barrier would be ineffective or undesirable for the property owner, make a one-time payment to property owner of affected residence for estimated cost of the noise barrier identified in option 2 above. If either option 2 or 3 are selected and successfully executed, the Applicant has no further financial obligation to that property relating to noise.</p>
	Comment 12	<p><i>This mitigation states that a Residential Noise Barrier Contingency Plan shall be prepared for surrounding residences that can demonstrate noise levels of 50 decibels or more from ongoing landfill operations. The text of this mitigation measure should be revised to clarify that the demonstrated noise levels for surrounding residences must be 50 decibels L_{eq} not just 50 decibels in order to ensure consistency with the Noise Element standards. Also, the text on page V-213 of the Recirculated Draft EIR states that residences within 1,000 feet of the property line could experience noise levels greater than 50 decibels. Therefore, the reference to 1,800 feet included in NS/mm-3 above should be revised to 1,000 feet.</i></p> <p><i>CEQA requires that feasible mitigation measures be identified for significant environmental impacts associated with project implementation. Mitigation measures are intended to substantially lessen any significant effects that the project would have on the environment. The requirement to pay residents a fee equivalent to the estimated cost of a noise barrier, as identified under item 3 above, does not constitute mitigation, as it does not include any requirement that the resident spend the money on noise reducing measures. Also, it doesn't address what happens when a resident sells the property and a new owner moves in to the home. Would the prior owner be responsible for transferring mitigation funds to the new owner? Because it cannot be shown that this measure would have any measurable beneficial effect on the environment, it is inappropriate to include it in the Recirculated Draft EIR and it should be deleted.</i></p> <p><i>The feasibility of constructing a noise barrier on private property, as identified under item 2 above, also raises operational questions that make this mitigation measure unworkable. For example, the adjacent residences are located at differing elevations in relation to the landfill</i></p>

Page #	Section	Paragraph
		<i>and the elevation of the landfill will change over time. Therefore, noise barriers that may be effective in the short-term could be completely ineffective in the future. Continually increasing noise barrier heights adjacent to residences at some point becomes infeasible due to site constraints and the undesirability of the barriers for property owners. Also, it is unclear who would be responsible for the long-term noise wall maintenance and upkeep, who would be responsible for repairs if the wall is somehow damaged in the future, whether an easement would be necessary for the landfill operator to access the property in order to ensure the noise wall is appropriately maintained, and whether a noise barrier would preclude a homeowner from expanding their outdoor activity area in the future. Because these and other legal questions have not been addressed, the feasibility of implementing item 2 is speculative and it should be removed from the Recirculated Draft EIR.</i>
V-208	I.5.b.3	NS/mm-6 - 2. Transition to an Aerated Static Pile (ASP) or Anaerobic Digestion (AD) process for the CO. The transition shall be complete within an additional six months (or one year from when excessive noise level confirmed, and as quickly as any necessary permitting allows). The applicant shall provide verification that the proposed process (ASP or AD) would reduce noise levels from the CO such that the 50 dBA threshold can be achieved.
	Comment 13	<i>As acknowledged in the Recirculated Draft EIR, the implementation of ASP or AD would likely require additional CEQA review and approval by San Luis Obispo County. The project applicant has little ability to control the timing of this permitting and approval process. Therefore, the mitigation language should be revised to account for unforeseen delays in the permitting process that are not directly caused by the project applicant. Specifically, the language included in brackets is suggested to be changed as follows: (or one year from when excessive noise level confirmed, or as as quickly as any necessary permitting allows). It is inappropriate to establish a timeline that may be too short to prevent the proper review of alternatives and the development of a sound development program.</i>
V-209	I.5.b.3	Residual Impact - The 2010 Study indicates that a properly designed noise barrier for the tub grinder could reduce noise by 5-10 dB. AES/mm-4 and 5 require 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, and effectively act as a noise attenuation berm for the relocated CO. Neither ASP nor AD requires intensive turning of compost, and therefore the scarab would not be necessary. Implementation of these measures would reduce impacts to less than significant levels (Class II).
	Comment 14	<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. Also, breaks would be needed in the berm to allow vehicle access to the compost area and to allow storm water drainage of the top deck surface area. The remaining top deck area would not be of sufficient size to accommodate the proposed composting operations and the breaks in the berm would reduce its ability to effectively attenuate noise. Thus, this mitigation is not feasible. However, feasible mitigation measure could be implemented at the composting operations to minimize noise generation on the top deck, such as enclosing the grinder, which tends to be the loudest component of the composting operations. These types of feasible mitigation measures are more appropriate</i>

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V-210	I.5.b.4	<p><i>for the relocated composting operations.</i></p> <p>Noise generated by the RRP at the southeastern property line, which would be as close as 275 feet from the RRP would be reduced due to the location of the MRF and the existing noise berm. It is estimated that the berm and MRF together would provide a 15 dBA reduction in noise levels, to approximately 62 dBA. This level still exceeds the threshold by 12 dBA.</p>
	Comment 15	<p><i>The noise level generated by the RRP at the southeastern property line is miscalculated in the Recirculated Draft EIR. The analysis states that the RRP will generate noise levels of 77 dBA at the northeastern property boundary, which is located 50 feet from the RRP, which will be reduced by 15 dbA to a level of 62 dBA at the property line due to the proposed cut slope adjacent to the RRP acting as a noise berm. The analysis then states that the noise levels at the southeastern property line would be reduced by 15 dbA to a level of 62 dbA due to the intervening MRF building and an existing noise berm. However, the southeastern property line is 275 feet from the RRP, not the 50 feet of the northeastern property boundary. At this distance, the noise level would be reduced to below the County standard of 50 dbA (based on a 6 decibel noise reduction for every doubling of distance and a 15 dbA reduction associated with the existing MRF building and sound berm). Therefore, the noise reducing measures identified in Mitigation Measure NS/mm-8 are not necessary to achieve the County's noise standards for the southeastern property line and the mitigation measure should be revised to focus specifically on noise reduction measures necessary solely at the northeastern property boundary. The proposed RRP was strategically located behind a substantial cut slope to address noise impacts to the northeast. Based on this location and the lack of residents to the northeast, the requirement to enclose the entire RRP will substantially increase the cost of operations while providing noise mitigation primarily for vacant land to the northeast. As stated in Comment 7 above, the Director of Planning and Building has the authority to waive an exceedance of the noise level standard when development is determine to be unlikely on the vacant land.</i></p> <p><i>The substantially increased cost associated with enclosing the entire RRP would translate into a substantial increase in the waste disposal fees paid by County residents. Increased waste disposal fees have the potential to increase illegal dumping throughout the County because they provide a greater incentive for people who are unable or unwilling to pay the higher landfill disposal fees. The effect of increased illegal dumping on the local community needs to be taken into consideration when developing mitigation strategies for the site operations.</i></p>

DOUGLAS BROWN – PRINCIPAL – DOUGLAS ENVIRONMENTAL**EDUCATION**

B.A., Environmental Studies, University of California, Santa Barbara, 1987

B.A., Geography, University of California, Santa Barbara, 1987

AFFILIATIONS

Member, American Planning Association (APA)

Member, Association of Environmental Professionals (AEP)

Member, Solid Waste Association of North America (SWANA)

Mr. Brown has a diverse background preparing environmental compliance documents throughout California and Nevada. Mr. Brown specializes in CEQA and NEPA compliance projects with a specific focus on solid waste management facilities. He has over 22 years of professional experience. In addition to preparing multiple environmental compliance documents for large-scale landfill expansions and solid waste transfer stations/material recovery facilities, he has conducted CEQA review for such diverse projects as planned communities, resort developments, wind energy facilities, highway commercial developments, landfill gas-to-energy projects, flood control projects, manufacturing facilities, electrical transmission facilities, rail intermodal facilities, freeway interchanges, NASCAR racetracks, prisons, and rock quarries. Mr. Brown has been responsible for client liaison, project design, job costing, budget and subcontract administration, personnel supervision, technical review, and all aspects of quality control and contract fulfillment for Federal, State, and local government agencies, and for private-sector clients. In addition, Mr. Brown has instructed for CalRecycle, formerly the California Integrated Waste Management Board, on CEQA practice and has testified as an expert witness on CEQA compliance requirements.

PROJECT EXPERIENCE**Regional Solid Waste Facilities Project EIR, Monterey County, CA****Project Manager**

CLIENT: Salinas Valley Solid Waste Authority

Managed the preparation of the Regional Solid Waste Facilities Project EIR for the Salinas Valley Solid Waste Authority. This 3,000+ page EIR evaluated the environmental impacts associated with providing the solid waste disposal facilities necessary to meet the Authority's disposal requirements for the next 70 years. The EIR evaluated four scenarios that each included a combination of individual solid waste management elements. The elements in the four scenarios included three individual landfill sites and five potential transfer station/material recovery facility sites in the Salinas area, and two potential transfer station/recycle centers in the King City area. The extensive breadth of issues associated with the number of individual facilities included in this EIR required Mr. Brown to manage a wide range of experts including geologists, hydrogeologists, geomorphologists, wildlife biologists, botanists, agricultural food safety scientists, landfill design engineers, toxic risk assessment specialists, air quality analysts, acoustical engineers, traffic engineers, and land use planners.

Sacramento Recycling and Transfer Station – North EIR, City of Sacramento, CA**Project Manager**

CLIENT: City of Sacramento

Mr. Brown managed the preparation of an EIR for the Sacramento Recycling and Transfer Station. The EIR included a detailed assessment of three separate project sites that were evaluated at an equal level of detail, including one site owned by the City of Sacramento and two sites that are privately owned. Critical issues evaluated in the EIR include the compatibility of the transfer station with residential uses along the site access routes, noise impacts on adjacent land uses, the potential for odors to affect existing commercial and residential uses, traffic impacts along site access roads, and the loss of sensitive biological resources.

GreenTeam of San Jose MRF and Transfer Station Negative Declaration, San Jose, CA**Project Manager**

CLIENT: GreenTeam of San Jose

Managed the preparation of a Negative Declaration for proposed revisions to the GreenTeam of San Jose's Material Recovery Facility and Transfer Station's Solid Waste Facilities Permit. The project included expanding the Registration Permit to a Full Solid Waste Facilities Permit in order to accommodate changing waste stream characteristics and changes in State

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regulations. The project also included modifications in the site facilities including new scales, overhead feed conveyors, Material Recovery Facility canopy screening, and changes in the site's operational hours and vehicle limits. The Negative Declaration documented the environmental impacts associated with these changes in relation to the site's prior environmental documentation and concluded that no new significant environmental impacts would be anticipated.

Landfill Siting Study, Monterey County, CA**Project Manager**

CLIENT: Salinas Valley Solid Waste Authority

Mr. Brown managed the preparation of a landfill siting study that evaluated the sensitive environmental constraints associated with 35 individual sites in the southern Monterey County area identified as potential locations for a new regional landfill. The intent of the analysis was to identify critical environmental constraints that could affect the feasibility of landfill development on the individual parcels being considered. These environmental constraints included the location of critical habitat for threatened and/or endangered species on the individual sites, the presence of sensitive cultural/historical resources that would require protection or extensive excavation and documentation prior to removal, or the presence of vernal pools and/or wetland/riparian resources that could adversely affect landfill design requirements. The innovative use of Geographic Information System (GIS) data sources allowed the potential constraints of individual sites scattered over an area of more than 100 square miles to be identified. The study also identified the potential costs associated with mitigating landfill development impacts on identified sensitive biological and cultural resources. The analysis was used to refine the 35 potential landfill development sites to a much smaller group for more detailed study.

Crazy Horse Sanitary Landfill Permit Revision EIR, Monterey County, CA**Project Manager**

CLIENT: Salinas Valley Solid Waste Authority

Mr. Brown managed the preparation of the Crazy Horse Sanitary Landfill Permit Revision EIR, which included an increase in the site's permitted traffic volume, the stockpiling of imported soil for daily cover uses, an increase in the daily waste tonnage in order to accommodate increased waste volumes associated with the closure of the Lewis Road Landfill, the processing of curbside collected yard waste, and updates to the remaining site life and capacity estimates. The critical issue requiring the preparation of the EIR was the increased traffic volumes anticipated at the Crazy Horse Road/U.S. Highway 101 interchange that operates at peak periods at LOS F.

Combined Gonzales Municipal Utility Substation and Landfill Gas-to-Energy Facility Initial Study and Mitigated Negative Declaration, Monterey County, CA**Project Manager**

CLIENT: Salinas Valley Solid Waste Authority

Mr. Brown managed the preparation of an Initial Study and Mitigated Negative Declaration for the Combined Gonzales Municipal Utility Substation and Landfill Gas-to-Energy Facility. This project included the installation of a gas compression system at the Johnson Road Landfill, the installation of a power plant at one of several alternative sites, and the extension of a pipeline to the City of Gonzales Corporation Yard or to an adjacent winery to meet existing energy demands.

Sun Street Transfer Station Initial Study/Mitigated Negative Declaration, Monterey County, CA**Project Manager**

CLIENT: Salinas Valley Solid Waste Authority

Mr. Brown managed the preparation of the Sun Street Transfer Station Initial Study/Mitigated Negative Declaration in the City of Salinas. This new transfer station was proposed on an industrial site used previously for food processing operations. Critical issues evaluated in the Initial Study included the compatibility of the new facility with adjacent residential uses, the

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potential odor and health risks associated with facility operations, traffic congestion on local truck routes, and increases in localized noise levels.

Fink Road Landfill Expansion EIR, Stanislaus County, CA**Project Manager**

CLIENT: County of Stanislaus

Managed preparation of the EIR and provided regulatory compliance services to the Stanislaus County Public Works Department for the proposed expansion of the Fink Road Landfill. Located next to Interstate 5 in western Stanislaus County, the existing Fink Road landfill was proposed to be expanded by over 800 acres to create a capacity for 100 million tons of municipal solid waste. The project included expansion in canyons west of the current landfill, along with expanded leachate and gas control systems, new landfill entrance facilities, and realigned site access roads. Research was also conducted regarding the potential to establish bioreactor cells to accelerate settlement and decomposition of refuse as a means to increase capacity. Key environmental issues included visibility of the expanded landfill from Interstate 5; effects on the federally-listed San Joaquin kit fox; filling of jurisdictional waters of the U. S. and adjacent wetlands; groundwater protection; water supply; dust and litter control; and increased truck haul effects on traffic and air quality. As part of the project, Mr. Brown coordinated with the U. S. Army Corps of Engineers and U. S. Fish and Wildlife Service regarding issuance of a Section 404 permit and required consultation under Section 7 of the Endangered Species Act.

Elk Grove Transfer Station Project EIR, City of Elk Grove

CLIENT: City of Elk Grove

Mr. Brown managed the preparation of an EIR for the Elk Grove Transfer Station Project. The EIR included a detailed analysis of two potential project sites located within industrial areas in the southern portion of the City. Critical issues evaluated in the EIR included the compatibility of the transfer station with residential uses in the vicinity of the potential project sites, noise impacts on adjacent land uses including churches located within the industrial area, the potential for odors to affect surrounding land uses, traffic impacts along site access roads, hazardous materials contamination on one site, and the loss of sensitive biological resources.

EIR on the Proposed Future Options for the Buena Vista Landfill, Amador County, CA**Project Manager**

CLIENT: Amador County

Mr. Brown managed the evaluation of environmental impacts associated with two expansion options identified for the Buena Vista Landfill. These options included either expanding the landfill footprint onto two adjacent parcels or expanding the landfill footprint onto one separate parcel and incorporating ancillary landfill activities (e.g., materials recovery and recycling operations, soil borrow pits) onto the second parcel. This highly controversial landfill expansion included extensive community outreach in order to incorporate the concerns of an adjacent residential community into the EIR analysis. The EIR evaluated the anticipated land use impacts of locating a landfill within approximately 150 feet of existing residential uses. These impacts included increased noise levels, air quality degradation, potential public health concerns including an increase in vectors, changes in localized drainage patterns, and potential changes in slope stability. Other critical issues included the loss of state and federally-listed endangered plant species and increased traffic congestion on local arterials.

Avenal Landfill Expansion, City of Avenal, CA**Project Manager**

CLIENT: City of Avenal

Mr. Brown managed the preparation of the Avenal Landfill Expansion EIR in the City of Avenal. The landfill expansion included increasing the daily tonnage from 475 tons per day to 6,000 tons per day, increasing the landfill height by 210 feet, and changing the operating hours from a daytime operation six days per week to 24 hours per day, seven days per week. A key component of the expansion included excavating unlined waste that contained burn ash that had been disposed between 1930 and 1970. The relocation of the waste was proposed in order to increase capacity and reduce long-term public health concerns. A detailed health risk

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assessment was conducted to determine the potential long-term public health effects associated with the landfill expansion activities on adjacent residential land uses. Other critical issues included the project's potential adverse effects on sensitive biological resources, the substantial increase on noise levels for local residents associated with 24-hour operations, and the traffic impacts associated with waste imports from outside of the local area.

Capacity Enhancement Project, Placer County**Project Manager**

CLIENT: Western Placer Waste Management Authority

Managed preparation of an EIR that evaluated proposed operational changes at the Western Regional Sanitary Landfill and Materials Recovery Facility. These operational changes included increasing tonnage limits at both the landfill and the MRF by approximately 50 percent, increasing peak vehicle trips at the MRF by approximately 500 daily vehicle trips, substantially expanding the MRF building, expanding existing composting operations, relocating the facility entrances, expanding the on-site storm water detention facilities, introducing additives into the composting feedstock, expanding the existing household hazardous waste storage building, and increasing the operating hours of the MRF. These operational changes were strongly opposed by the adjacent property owner. Mr. Brown's focus in preparing this EIR was on ensuring all issues were thoroughly analyzed and that a detailed administrative record was developed that supported the conclusions of the EIR.

Humboldt Road Burn Dump Initial Study and EIR, Chico, CA**Project Manager**

CLIENT: City of Chico

As project manager, Mr. Brown prepared an EIR for the Humboldt Road Burn Dump in the City of Chico, California. Portions of the 160-acre site were historically used as the City Dump and were known to contain metals, primarily lead, at levels that are regulated by the state. Hazardous wastes occurred on other portions of the site. Approximately 30-acres of the site were covered with glass, tires, cans, wire, rusted metal, concrete, and ash debris. The primary tasks of the impact analysis included identifying the water quality effects of waste consolidation activities on the adjacent Dead Horse Slough; determining the extent of disturbance and providing Endangered Species Act Section 7 consultation for a number of threatened species including the Butte County meadowfoam, valley elderberry longhorn beetle, and vernal pool fairy shrimp; identify potential airborne lead dispersal anticipated with waste disturbance for adjacent residential neighborhoods; and characterizing the changes in the visual environment with construction of a large waste-consolidation mound.

Potrero Hills Landfill Expansion Project EIR, Solano County, CA**Project Manager**

CLIENT: Solano County Department of Environmental Management

Mr. Brown managed the evaluation of the Phase II development of the Potrero Hills Landfill that included extending the landfill horizontally to include an additional 211-acre expansion footprint and expanding it vertically to increase the permitted peak elevation by approximately 125 feet. Other project components included relocating an ephemeral drainage, extending operating hours to 24 hours per day, adding biosolids to composting operations, installing a landfill gas generation facility, and using an all-soil alternative final cover design. The EIR evaluated the adverse environmental impacts associated with these proposed operational changes with a focus on public health hazards, noise level increases, air quality degradation including increased odors, traffic congestion at local intersections, degradation of local water quality, changes in on-site and off-site drainage characteristics, loss of sensitive biological resources, potential for groundwater contamination, alteration of the local visual landscape, slope stability within the canyon fill area, and land use compatibility with adjacent rural residential units. Mr. Brown managed preparation of a detailed health risk assessment that evaluated both the acute and chronic effects of the project components on adjacent residences.

DOUGLAS BROWN**Western Regional Sanitary Landfill EIR Expansion, Placer County, CA****Project Manager**

CLIENT: Western Placer Waste Management Authority

As project manager, prepared an environmental impact report evaluating permit revisions at the Western Regional Sanitary Landfill in Placer County. The permit revisions include an increase in daily accepted waste, the re-classification of the landfill from Class III to Class II, increasing the permitted final grade elevations, allowing the acceptance of non-friable asbestos, and constructing base liners and final covers using imported soil. The impact analysis focused on how the permit modification would affect groundwater and surface water quality, local noise levels, air quality, truck traffic on local roadways, and the demand of local fire protection services. Because the landfill is located near future residential growth areas and the land use conflicts that could result, the analysis also included a review of human health and aesthetic resource issues.

Eastern Regional Landfill Closure, Transfer Station, and Materials Recovery Facilities EIR, Placer County, CA**Project Manager**

CLIENT: Placer County Solid Waste Division

Managed the Eastern Regional Landfill Closure, Transfer Station, and Materials Recovery Facilities EIR. The Eastern Regional Landfill EIR evaluated the landfill closure and the construction of a transfer station and material recovery facility to accommodate an increase in permitted disposal from 105 tons per day to 600 tons per day. Potential impacts related to several key issues include an increase in daily truck trips, traffic safety at the landfill entrance, potential changes in water quality, depth to groundwater, and landfill gas. Wood chipping and use of inert material for borrow site reclamation would occur on site. Refuse would be recovered or transferred to Lockwood Landfill in Nevada for disposal. Impacts associated with different phases of the facility operations were evaluated as they related to alternatives to the proposal, cumulative impacts, long-term implications of the project, significant irreversible impacts, and growth-inducing effects.

Focused EIR for Western El Dorado Recovery Systems Material Recovery Facility (MRF) and Transfer Station, El Dorado County, CA**Project Manager**

CLIENT: County of El Dorado

Completed a court-ordered focused EIR for the Western El Dorado Recovery Systems Material Recovery Facility (MRF) and Transfer Station. Pursuant to an El Dorado County Superior Court order stemming from litigation over a previous initial study (not prepared by Mr. Brown) for this project, the focus of the EIR was limited to traffic issues associated with the MRF as originally proposed. The EIR also included an analysis of environmental impacts associated with the construction of a water supply pipeline to serve the MRF facility.

Marysville Transfer Station Negative Declaration, Marysville, CA**Project Manager**

CLIENT: Norcal Water Systems

Managing the preparation of an Initial Study/Negative Declaration for the Yuba-Sutter Disposal Transfer Station and Materials Recovery Facility in the City of Marysville. Norcal Waste Systems, the owner of the facility, is proposing to amend the Solid Waste Facility Permit to accommodate increased waste diversion, installation of a construction and demolition waste recovery line, and expansion of permit boundaries. The project also includes modifying on-site traffic flow characteristics to maximize facility efficiency. Impacts being evaluated include increased traffic, changes in drainage characteristics, dust generation, noise, and water quality.

Jess Ranch Composting Facility, Alameda County, CA**Project Manager**

CLIENT: Recology Inc.

Mr. Brown managed the preparation of an EIR for the Jess Ranch Composting Facility in the eastern portion of Alameda County. The Jess Ranch project included the receipt of up to 2,000

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tons per day of organic materials including food waste, green waste and wood waste. Both open windrow and in-vessel composting was proposed on the site. Aerated static pile technology would be used on the site once the tonnage limit reached a specific threshold. In addition, the facility includes the installation of an anaerobic digester to accelerate compost processing. Key issues evaluated in the EIR include the health risks for adjacent residences associated with the site's projected emissions, the generation and migration of odors offsite, and the potential disturbance of California tiger salamander habitat.

Response to Comments from Douglas Environmental

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

Comment No.	Response
CCL/DE-1	This comment notes that the RDEIR contains incorrect increased daily tonnage limits. The FEIR has been amended to reflect the recently revised and correct daily tonnage limit of 2,050 tons per day which includes removal of the compost operation.
CCL/DE-2	This comment provides clarification regarding petroleum contaminated soil. The paragraph has been amended to recognize that petroleum contaminated soil and treated medical waste (which is confirmed to be non-hazardous) can be accepted in a Class III facility.
CCL/DE-3	This comment questions the need for additional bird deterrent mitigation HAZ/mm-3 and HAZ/mm-4. The bird population has varied considerably at the Landfill. This measure ensures that all reasonable means to control birds at the Landfill would be employed. HAZ/mm-4 is a measure which allows for verification of the success of the bird deterrent program(s) implemented and is directly related to the identified potential impact – airplane strikes. No changes to the FEIR are necessary.
CCL/DE-4	This comment states that the EIR is incorrect in terms of how compost operation quantities are described and that no change to the current compost operation permit is being requested. Subsequent to circulation of the 2011 RDEIR, the project applicant elected to eliminate the open windrow compost operation and any other form of compost operation from the project description; therefore, this comment is no longer applicable and the FEIR has been revised to reflect the elimination of the compost operation from the project description.
CCL/DE-5	This comment requests revisions to mitigation measures addressing compost operation impacts. As stated above in response "CCL/DE-4", the compost operation has been eliminated from the proposed project; therefore, this comment is no longer applicable and the FEIR has been revised to reflect the elimination of the compost operation from the project description.
CCL/DE-6	<p>This comment questions Lmax and Leq levels specified in the REIR. Table V.I-3 of Section V.I., Noise, of the FEIR provides a summary of noise measurement data collected by BBA (Brown-Buntin & Associates) from January 29 to February 10, 2010. The table is intended as a way of presenting a lot of complex information in a simplified format. The data presented in the table need to be further clarified as follows:</p> <ul style="list-style-type: none"> • Site B: the tub grinder was observed to produce an energy average noise level (Leq) of 73 dBA at a distance of 450 feet from the grinder. • At a distance of approximately 2,200 feet, composting/soil movement activities were observed to produce noise levels in the range of 40 to 59 dBA with Leq values of 42 to 55 dBA. • Bird whistles at Site B produced noise levels in the range of 47 to 51 dBA. • Site C: landfill activities were observed to produce noise levels in the range of 40 to 48 dBA. Leq values were not measured at Site C due to interference from traffic on SR227.

Comment No.	Response
	<ul style="list-style-type: none"> • Bird whistles at Site C produced noise levels in the range of 42 to 43 dBA. • The maximum noise levels reported for Site D included the composting operation (Scarab) and bird whistles. • For Site E, maximum noise levels from the disposal area and RRP were observed to be in the range of 50 to 57 dBA. Bird whistles at Site E produced noise levels in the range of 66 to 73 dBA.
CCL/DE-7	<p>This comment states that for the stationary noise source requirements outlined in the REIR (and taken from the Noise Element), the Director of Planning and Building also has the ability to waive requirements when there is a noise exceedance at the property line of vacant land. The REIR cites Noise Element, Section 3.3, Policy 3.3.4. and the Planning Director waiver appears to be applicable to Policy 3.3.5.(c). No changes to the FEIR are necessary.</p>
CCL/DE-8	<p>This comment states that the 1 dB threshold of significance used in the REIR is inconsistent with industry standards and conflicts with the 3-5 dBA increase. The 3-5 dBA increase is listed as representing a "substantial increase in ambient noise levels," in the 2008 Environmental Noise Assessment (found in Appendix E of the 2009 DEIR) should be the standard for significance used in the EIR. The 2009 DEIR and the 2011 REIR state the "threshold of significance for noise related impacts is the exceedance of a standard as established in the County's Noise Element by any proposed development project. Where the established standard is already exceeded, a significant increase in a noise level is taken as one decibel (1 dB)." This first component of this threshold is clear (i.e., exceedance of a County Noise Element threshold) and consistent with the County's application of the Noise Element for projects subject to CEQA. The second component of the threshold (i.e., a 1 dB increase – if a threshold has already been exceeded), if changed to a 3-5 dBA increase as suggested in the comment, would not change the findings in the EIR due to the fact that exceedances of noise levels are in the 10 dBA range. No changes to the FEIR are necessary.</p>
CCL/DE-9	<p>This comment states that Table V.I.-4 of the 2011 REIR Noise section (Section V.I.) does not reference the correct noise thresholds and that Policy 3.3.5., as opposed to Policy 3.3.4. of the County Noise Element is the appropriate threshold to be applied to the proposed project. Table V.I.-4 of the Noise section is pulled directly from Table 3-2 of the Noise Element. The maximum allowable noise exposure levels outlined in this table apply to both Policy 3.3.4 and 3.3.5; therefore, the conclusions in the FEIR would remain the same regardless of reference to either policy. Section V.I.3.c. has been amended to reflect the changes recommended in this comment.</p>
CCL/DE-10	<p>This comment states that the "less than one year" threshold for construction noise standards being applicable is incorrect because it is not included in the Noise Element. Based on project description information provided by the applicant, soil stockpiles could be used during module construction, during intermediate cover, and during final cover activities, at minimum. They could also be used during daily cover activities (although much less likely). It is also reasonable to conclude that given the amount of berming required for aesthetic resource and noise mitigation, the constraints of the site in general, and the various module construction scenarios, that soil stockpile would be more common than the other activities identified as subject to the construction noise standards, namely the module excavation and relocation of project components (e.g., the scalehouse and expansion of the MRF). The duration of these examples</p>

Comment No.	Response
	can be easily defined and are finite. Further, in the case of the scalehouse relocation or MRF expansion activities, they only occur one time. Because of this, the EIR has taken a conservative approach and considers stockpile use to be subject to stationary noise thresholds. No changes to the FEIR are necessary.
CCL/DE-11	This comment states that construction of berm adjacent to the active working face would much more effectively reduce offsite noise levels associated with disposal activities than construction of a berm along the property line. Per the recommendation made as part of this comment, the text of NS/mm-1 has been amended to allow for a garbage-filled berm as long as it provides similar or better performance than an earthen berm.
CCL/DE-12	<p>This comment takes issue with NS/mm-3 (the “Noise Barrier Contingency Plan” mitigation measure). Issues raised in this comment include the measure’s feasibility to reduce noise; implementation feasibility; whether the measure would be applicable to future owners of the subject properties; what happens should the noise attenuation measures no longer mitigate noise impacts; the measure’s appropriateness per CEQA; workability; appropriateness of fee payment as mitigation; and, the speculative feasibility of the measure. The comment also suggests revisions to the measure relating to decibel level measurements including a Leq standard and the distance out that the measure would be applicable (i.e., 1,000 vs. 1,800 feet) – while at the same time requesting the measure be deleted. The measure has been revised to include clarification on distance, decibel level measurement standards, and maintenance responsibilities.</p> <p>The County is required, per CEQA Statute 21002 and Guidelines Section 15126.4(a)(1), to recommend a measure such as NS/mm-3 because it has the potential to reduce a Class I Impact (i.e., significant, unavoidable and adverse). The measure will not be deleted as County staff recognizes that even though there may be challenges associated with implementation of NS/mm-3, staff also recognizes that feasibility of implementing the measure cannot be completely ruled-out. The County Monitor (recommended per AES/mm-2) would track the applicant’s compliance with this measure. The fee payment component of NS/mm-3 (option 3) requiring the applicant to make a one-time payment to the property owner of the affected residence is intended to be consistent with Noise Element, Chapter 4, Implementation Measure 4.14(f) and to provide the owner of the residence with money to implement noise mitigation on their own accord. County staff has recommended that NS/mm-3 remain as part of the FEIR.</p>
CCL/DE-13	This comment request revisions to NS/mm-6(2) pertaining to the transition to aerate static pile or anaerobic digestion composting should that need to be the case. Because the applicant has removed open windrow composting from the project description, sub-section (2) of this mitigation measure is no longer applicable and has been deleted in the FEIR.
CCL/DE-14	This comment states that installing a 10 to 25-foot tall berm on the top deck is infeasible because it would eliminate 20% of the useable area needed for the compost operation. With elimination of the open windrow compost operation from the project description, less area will be needed on the top deck for remaining proposed activities such as the storage and processing of green waste. Therefore, installation of a berm is still considered a relevant and feasible mitigation measure for aesthetic and noise purposes. No changes to the FEIR are necessary.

Comment No.	Response
CCL/DE-15	<p>This comment states that the noise level generated by the RRP at the southeastern property line is miscalculated in the REIR. The commenter is correct that noise levels from the re-located RRP would be lower at the southeastern property line than at the northeastern property line due to an increase in distance from 50 to 275 feet. Accounting for the existing berm along a portion of the southeastern property line, noise from the re-located RRP would be expected to be less than 50 dBA, Leq at those locations. However, in addition to the 77 dBA reading, it is noted in the REIR that the existing RRP produces a dBA of 69 at 100 to 200 feet. Even with an additional 50 feet and a full 15 dBA reduction in noise due to the MRF and existing noise berm, it cannot be said with certainty that noise levels would be below 50 dBA. Further, the RRP would contribute to cumulative noise levels that would result from each of the components and necessitate enclosure. It is agreed that the measure would add to the cost of the project and likely be ultimately born by the public – which is an issue for the County decision making bodies to weigh. No changes to the FEIR are necessary.</p>

**RDEIR Comments
July 11, 2011
Cold Canyon Land Fill, Inc.
Waste Connections, Inc.**

ATTACHMENT 4

**Cold Canyon Landfill Expansion
Recirculated Draft Environmental Impact Report
Comments by Cold Canyon Landfill and Waste Connections**

Page #	Section	Paragraph
I-1	IA	Since the closure of the public comment period, two issues, as summarized below, have delayed preparation of the Final EIR for the project...
	Comment 1	<i>The following sections then list three issues (Water Resources, Compost Operation Review, and Other technical reports). The intro paragraph should be changed to reflect three rather than two issues.</i>
III-9	III.C.1.a.2)	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 2	<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>
	Comment 3	<i>Equipment usage during lining in general is not limited just to equipment usage directly on top of exposed liner. There is a considerable amount of equipment usage going on during the lining process and completion of the modules.</i>
III-9	III.C.1.a.3)	On average the landfill generates approximately 700,000 gallons of leachate annually
	Comment 4	<i>The landfill has averaged 278,000 gallons of leachate production from 2006-2010.</i>
III-10	III.C.1.a.4)	Once the lift reaches fifteen feet, an intermediate soil cover approximately one foot thick is placed over the lift, and another lift is started.
	Comment 5	<i>For clarity, lifts vary in height depending on operating factors. A general range in lift height of 12-20 feet is typical.</i>
III-10 & V-176	III.C.1.a.5) & V.H.1.e.	Currently, LFG is captured throughout the disposal area via a series of 36 wells and 10 horizontal collectors
	Comment 6	<i>In the summer of 2010, 6 additional LFG wells were installed bringing the current total to 42 wells and additional wells are scheduled in 2011.</i>
III-11	III.C.1.a.6)	These benches slow water flow and include earthen or concrete conveyance systems
	Comment 7	<i>For clarity, the conveyance systems on benches vary. A more accurate statement would be that the benches have lined conveyance systems.</i>
III-11	III.C.1.a.6)	Two of the detention basins serve as discharge locations, another is located near the leachate storage facility, and the fourth is the "highway drain", located where the natural drainage channel in the expansion area crosses under Highway 227 (refer to figure III-7)
	Comment 8	<i>This sentence should be modified to read as follows: Two of the detention basins serve as discharge locations, another is located near the Resource Recovery Park,</i>

Page #	Section	Paragraph
		<i>and the fourth is the "highway drain", located where the natural drainage channel in the expansion area crosses under Highway 227 (refer to figure III-7)</i>
III-11	III.C.1.b	Once the material has been composted it is passed through a 3/4-inch screen.
	Comment 9	<i>For clarity, the compost screen is 3/8-inch</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 10	<i>Currently, the MRF operates 5 days per week.</i>
III-12	III.C.1.e.1(a)	Leachate production is monitored quarterly and leachate composition is monitored annually.
	Comment 11	<i>For clarity, leachate production is monitored monthly and reported semi-annually as part of water quality monitoring program.</i>
III-13	III.C.1.e.1(b)	Results of monitoring are provided to the RWQCB quarterly.
	Comment 12	<i>For clarity, results of ground water monitoring are provided to the RWQCB semi-annually.</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 13	<i>The correct name for the required odor plan is Odor Impact Minimization Plan (OIMP).</i>
III-14	III.C.1.e.2(b)	The applicant has suggested that a formal falcon/hawk program will have to remain active in perpetuity to control the gull populations at the landfill.
	Comment 14	<i>For clarity, a gull population program will have to remain active in perpetuity but this does not necessarily have to remain a falcon/hawk based program. Should other methods prove effective they could replace the falcon/hawk program in the future.</i>
III-16	III.C.2	Table III-1
	Comment 15	<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-23	III.C.2	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 16	<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."</i>
III-23	III.D	4. Modifying the compost operation by allowing more and different materials to be composted
	Comment 17	<i>The request to increase the tonnage of the current CO has been removed and should not be stated here as part of the proposed project.</i>
III-24	III.D.1	Table III-2
	Comment 18	<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-24	III.D.1	The disposal area capacity is expected to increase by approximately 13.1 million

Page #	Section	Paragraph
		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 19	<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 20	<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-24	III.D.1.	As currently planned, Module 10, which would be located where the existing Landfill entrance is now, would be constructed first.
	Comment 21	<i>For clarity, the development sequence is not critical and may change before the first module is constructed.</i>
III-24	III.D.2.	The proposed project would increase the landfill permitted daily tonnage limits from 1620 tons per day (tpd) to 2500 tpd.
	Comment 22	<i>For clarity, the term landfill permitted daily tonnage should be replaced with the projects total permitted daily tonnage as the tonnage described is not all related to the landfill. In addition, the 2500 tpd listed should be 2350 tpd as listed in table III-3.</i>
III-24	III.D.3.	c. Adding water treatment plant sludge to the compost mix
	Comment 23	<i>Treatment sludge has been removed from our project description.</i>
III-25	III.D.4	Expansion and Enhancement of Materials Recovery Facility (MRF)
	Comment 24	<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. 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 25	<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>
III-30	III.E	CalRecycle is considered a Responsible Agency under CEQA and would rely on this EIR to issue a revised SWFP.
	Comment 26	<i>We suggest editing this sentence to read: "CalRecycle 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>
V-175 & V-185	V.H.1.b. & V.H.5.c.	To prevent fugitive trash from leaving the disposal area, the landfill compacts waste immediately after disposal,
	Comment 27	<i>For clarity, waste is compacted shortly after disposal but the term immediately is</i>

Page #	Section	Paragraph
		<i>inaccurate. The timing of waste compactions is dependent on incoming volumes, equipment maintenance, and other operational factors.</i>
V-176	V.H.1.e.	These 6000, 10,000, and 12,000 gallon tanks each provide fuel for landfill equipment and waste collection trucks
	Comment 28	<i>For clarity, the volumes of the onsite tanks are 250, 8000, and 12,000 gallons. There is also the CNG fueling station that does not have an actual storage tank.</i>
V-186	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 to the neighbors, and permanently posted at the project entrance at a location that is easily visible from the closed gate. 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 29	<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 30	<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-187	HAZ/mm-2	h. The Landfill litter control phone number shall also be available to receive calls relating to Landfill and truck operator-based refuse that is found along the truck haul routes within five miles of the Landfill. Such complaints shall be investigated within one week of receiving the call, including any special pick-up of refuse found, unless Caltrans or County Public Works identifies the need for special measures to address traffic safety issues.
	Comment 31	<i>This measure is not consistent with measures approved by the County on a similar project (Chicago Grade Landfill). Condition 14C of CUP 2003-00026 which was approved in 2006 requires the Chicago Grade Landfill to collect litter within one mile of the facility not five. The landfill currently performs litter removal with one mile of the facility on the main haul route and proposes to maintain this distance.</i>
V-188	HAZ Impact 4	Increasing waste disposal has the potential to attract birds, increasing potential hazard to air traffic using the San Luis Obispo Regional Airport.
	Comment 32	<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-188	HAZ/mm-4	Birdstrike Monitoring. Prior to the Notice to Proceed and prior to construction of each subsequent disposal area module, the applicant shall provide verification that birdstrikes for approaching airplanes (those most likely to be affected by birds attracted to the Landfill) at the SLO Airport have not

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		increased due to the operations at the Landfill. Verifying evidence shall include available birdstrike information compiled by the San Luis Obispo County Regional Airport, and include the location of strikes and the type of bird involved (if available).
	Comment 33	<i>The baseline airstrike data that is presented does not correlate bird strikes to landfill activity. The assumption that we can track future strikes and determine if an increase was caused by the landfill when the data we have to compare does not in any way state how much if any were caused by the landfill is not feasible.</i>
V-189	H.5.f.2	Composted material can present a fire hazard if moisture content of the vegetation becomes too low.
	Comment 34	<i>This sentence is not strictly true. The fact is that low moisture may or may not be a significant contributing factor in elevated fire risk. One could argue that the absence of moisture hinders biological activity and hence the build up of temperature within the biowaste. Often, a bigger factor is the height/mass of the pile.</i>
V-194	HAZ/mm-8	a. Generation of dust during any movement of compost material or greenwaste shall be kept to a minimum by adding additional moisture via a water spray system and establishing a “high wind” shut-down level for activities that generate dust. Dust clouds shall not be visible more than 5-10 feet away from the source, including windrows, processing equipment, etc.
	Comment 35	<i>The APCD currently regulates dust generation based on opacity. There is not a need to place such a mitigation measure when there is already a local regulator that has standards in place for this activity.</i>
V-194	HAZ/mm-9	d. Workers shall be trained in housekeeping procedures and encouraged to change clothes daily at the facility. A medical surveillance program for workers shall be established to ensure early identification of symptoms related to Organic Dust Toxicity Syndrome. This program should include, among other components, tetanus and Hepatitis A vaccinations, health checks prior to commencing employment to identify predisposing conditions, instructions to report any unusual respiratory symptoms to management, and annual medical exams.
	Comment 36	<i>Consistent with the other mitigation measures associated with the Compost Operations, the first paragraph of Mitigation Measure HAZ/mm-9 should commence with the following words, “ Upon re-establishment of the Compost Operation.” A medical surveillance program is not required by federal or state law or regulation for this application. We suggest that the language be modified to require that the applicant contract with a certified industrial hygienist to evaluate the need for a compost health and safety plan, prepare the plan if recommended and implement the plan as prepared.</i>
V-196	HAZ/mm-9	Compost Operation – Aerated Static Pile. Upon re-establishment of the Compost Operation, to reduce odors from the composting material, the applicant shall implement a covered ASP (aerated static pile) composting system. The ASP shall include an aeration system that includes biofilters to control odors.

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	Comment 37	<i>The mitigation measures should not restrict the applicant to just ASP on re-establishment of the Compost Operation; other methods such as AD, or enclosed composting may be preferred.</i>
V-196	HAZ/mm-10	Compost Operation – Best Management Practices. To reduce odors from the Compost Operation and disposal areas, the applicant shall incorporate all applicable BMPs as developed by CalRecycle into the OIMP updates in perpetuity.
	Comment 38	Requiring updates in perpetuity is not feasible given the capital investment that may be required of any one composting technology. For example, implementation of an AD process would require an investment of millions of dollars with a corresponding capital repayment schedule stretching over decades.
V-198	HAZ/mm-11	Compost Operation – Monitoring. The applicant shall incorporate a ‘compliance-based’ monitoring program during operation of the compost facility and include the following elements:
	Comment 39	<i>It is possible that the continued need for a CO monitor may not exist at some point in the future. There should be a provision added to sunset the monitor based on the frequency of validated complaints received or other performance based measures.</i>
V-199	HAZ/mm-13	Compost Operation – Alternative Approach. If after implementation of mitigation measures HAZ/mm-9 through 12 the Planning Commission finds that odors from the CO remain significant, the applicant shall enclose the facility and/or implement an alternative composting technology, such as Anaerobic Digestion (AD).
	Comment 40	<i>It should be specified that this mitigation measure could be implemented prior to mm9-12 if so desired by the applicant and that mm9-12 would not need to be implemented should the applicant implement mm-13.</i>
V-191	V.I.1.b.2)	Heavy equipment used in the landfill operation includes a Caterpillar D7R bulldozer, Aljon 525 compactor, and Caterpillar 627F earthmover.
	Comment 41	<i>For clarity, the 627F has been removed from service and has been replaced by a John Deere 350 D articulated dump truck.</i>
V-195	Table V.I.-3	2010 Noise Study Results (See Table)
	Comment 42	<i>Many of the Leq ranges are less than the listed Lmax ranges. This appears to be an error.</i>
V-197	V.I.2.a.	The County’s Land Use Ordinance Section 22.10.120.A.4 Exceptions to Noise Standards states the following with respect to exempt noise sources: Noise sources associated with construction provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday and Sunday, or before 8 a.m. or after 5 p.m. on Saturday and Sunday
	Comment 43	<i>Although continued daily activity at the landfill is not classified as a construction activity by the Planning Department, the equipment used and activities performed at the landfill are similar in nature to construction activity. Therefore an exception similar to 22.10.120.A.4 or a specified inclusion into 22.10.120.A.4 may be appropriate for this project which supplies an essential public service.</i>
V-205	NS/mm-1	The Plan shall include a schedule of when these measures would be installed prior to commencement of any related expansion improvements. In addition,

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		the plan shall specify that noise monitoring shall be required after installation by a County-approved expert on noise measurement (and periodically monitored throughout life of project) to determine the effectiveness of the installed measure(s) and if additional measures need to be installed to meet the County's threshold. Any additional measures identified will be installed by the Applicant within 30 days from when they are determined necessary
	Comment 44	<i>30 days for implantation of a "to be determined" noise mitigation is too short of a time frame when you consider potential engineering, permitting, and construction.</i>
V-205	NS/mm-2	Noise Mitigation Plan – Implementation. Prior to initiation of proposed activities, including the relocation of the entrance, module excavation, etc., the applicant shall have completely implemented the Noise Mitigation Plan.
	Comment 45	<i>Requiring the noise mitigation plan to be fully implemented prior to any project activity is not feasible due to the likelihood that specific noise mitigations within the plan such as noise berms will need to be constructed with soil that is part of the project. In addition there is likely to be noise mitigation measures in the plan that would be triggered by location, events, or thresholds that would not allow or necessitate implantation until after project initiation.</i>
	Comment 46	<i>90 days may not be enough time to for the engineering, permitting, and construction of a proper noise barrier.</i>
V-206	V.I.5.b.2)	Stockpiles would be created during module excavation (which would occur over approx. 6 month periods every five years)
	Comment 47	<i>To clarify, five years between module construction is historically accurate but could vary to as frequently as every year based on operational factors.</i>
V-207	NS/mm-4	Noise – Stockpile Management. Prior to issuance of the Notice to Proceed, 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 away from the property line, potentially adjacent to existing Module 8 and proposed Module 11.
	Comment 48	<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. 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-207	V.I.5.b.3)	The Lmax associated with the CO (including bird whistles) was estimated to be

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		53-63 dBA –below the 70 dBA threshold.
	Comment 49	<i>The paragraph directly above this sentence states that the Lmax of the CO when the grinder or scarab are running is 90 dBA. Please clarify.</i>
V-208	NS/mm-6	Noise Monitoring – Restart of Compost Operation. Thirty days after restarting the CO and implementation of NS/mm-4
	Comment 50	<i>The reference to NS/mm-4 should be NS/mm-5.</i>
V-210	NS/mm-8	Noise Monitoring – RRP Redesign & Verification. Prior to relocation of the RRP, to reduce noise levels at the property lines resulting from the RRP, the applicant shall re-design the facility so that it is covered and enclosed on all sides, with the exception of the southwestern side.
	Comment 51	<i>The 2008 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. In the 2010 study (also included in Appendix E), the following statement is provided on page 10: "The noise levels measured during the present study are lower than used to assess potential RRP noise impacts in the DEIR noise study. The 2010 study, therefore, supports the early conclusion that noise mitigation for the RRP is not required to reduce noise levels for the nearest sensitive receptors. The proposed RRP project was strategically located behind a substantial cutslope and adjacent to an operating vineyard to address noise impacts to the nearest sensitive receptors. We acknowledge that the noise standard would not be met at the nearest property line to the east (adjacent to the vineyard) for which a variance would need to be provided for this essential public service. This mitigation is not considered feasible due to prohibitive cost which will drive user fees higher resulting in an increase in indiscriminate dumping and a loss of material diversion.</i>
V-213	V.I.5.b.7) f.	Therefore, homes that can demonstrate a direct line of site to the landfill's noisy operations that are within 1000 feet of the property boundary, and can also demonstrate that an actively managed exterior area near the residence is also subject to a direct line of site to the landfill, the applicant could work with the applicant to construct a noise barrier....
	Comment 52	<i>In NS/mm-3 the distance is described as 1800 feet not 1000 feet; please clarify</i>
V-227	V.K.	The proposed maximum capacity of the CO has been reduced from 450 tons per day to 300 tons per day. This is equal to the currently permitted limit, but more than the approximately 100 tpd actually processed in recent years.
	Comment 53	<i>It is important to note that with 300 TPD permit the average of 300 TPD is impossible to achieve. The permit limit is to allow for peaks and the average is always considerably less. With the current 300 TPD limit there have been several peak days that approach the permit limit but the average is considerably less. Simply increasing the water demand by 300% to go from 100 tpd to 300 tpd is overly conservative due to the impracticality of achieving such an average.</i>
V-231	V.K.1.f.4)	It has been estimated that as much as 2.1 acre feet per year of leachate has been available historically for dust control by the RWQCB.
	Comment 54	<i>The average leachate generation from 2006-2010 is 278,000 gallons per year</i>
V-231	V.K.1.f.5)	The applicant estimates that module construction requires approximately 4000 gallons per day

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	Comment 55	<i>This estimate is too low. Module construction is likely to on average 24,000 gallons per day.</i>
V-235	V.K.1.i.	The WDR's require quarterly monitoring of groundwater quality to determine if a statistical exceedance occurred in any well and constituent.
	Comment 56	<i>To clarify, GW monitoring occurs semi-annually.</i>
V-247	V.K.5.b.1)	For purposes of this EIR, it is assumed that demand would increase proportionately to the increase on CO capacity – in this case three times or 300 percent (i.e., 8.1 afy to 24.3 afy)
	Comment 57	<i>This assumption is overly conservative due to the impracticality of achieving an average of 300 TPD with a 300 TPD permit. The permit limit represents the maximum tonnage on any one given peak day. It is impossible to average your physical maximum tonnage limit.</i>
V-252	K. 5. c. WR/mm-6	Module Construction – Water Use. Prior to issuance of the Notice to Proceed for construction of each module, the applicant shall provide verification to the Department of Planning and Building of the source of the water to be used for construction purposes. Water used for construction shall only come from any combination of the following sources: <ol style="list-style-type: none"> 1. On-site ground or surface water supplies (as long as it will not require on-site groundwater production of greater than 25 afy); 2. Reclaimed or recycled water (i.e., Price Canyon Oilfield, vineyard wastewater, City of San Luis Obispo “purple pipe”); and, An alternative source shown to be a sustainable supply.
	Comment 58	<i>Imposition of an arbitrary water capacity and limiting site's flexibility in water use runs risk of impacting the entire County's solid waste handling system for an extended period. Water availability is critical for construction and delays in construction may result in temporary closure of the site should all available airspace be consumed before new airspace is developed. Alternate sources of water may not be available, or not available at reasonable cost.</i>
V-252	K. 5. c. <i>Residual Impact</i>	Because water resources in the basin (and County in general) are limited, this measure encourages use of reclaimed water to the extent feasible during construction. In the event that on-site groundwater is used, this measure also requires the applicant to confirm that construction use of groundwater would not require a total annual production of greater than 25 afy. As an alternative, the applicant could also use another source, if it can be shown to be a sustainable source. Use of reclaimed water, or ground or surface water from on-site would reduce the impact to less than significant (Class II).
	Comment 59	<i>The issue of limited county-wide water resources should be viewed in a holistic manner and programs/restrictions imposed in an equitable manner across the entire spectrum of consumer groups versus a targeted attack on one utility or business.</i>

Response to Comments from Cold Canyon Landfill and Waste Connections

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

Comment No.	Response
CCL/WC-1	This comment provides a correction regarding the issues that have slowed progress on preparation of the FEIR. The FEIR has been revised to reflect the proposed correction.
CCL/WC-2	This comment provides a correction regarding the fact that no state or federal standards exist for testing lining system competence. The FEIR has been revised to reflect this correction.
CCL/WC-3	This comment provides clarification regarding equipment usage during lining in general and that it is not limited just to equipment usage directly on top of the exposed liner. The FEIR has been revised to reflect this correction.
CCL/WC-4	This comment provides updated information on the amount of leachate collected by the Landfill from 2006-2010. The FEIR has been revised to reflect this correction.
CCL/WC-5	This comment notes that lifts vary in height depending on operating factors and range in height from 12 to 20 feet. The comment does not warrant any changes to the FEIR.
CCL/WC-6	This comment notes that in the summer of 2010 six additional LFG wells were installed bringing the current total to 42 wells. The comment does not warrant any changes to the FEIR.
CCL/WC-7	This comment states that the conveyance systems on benches vary and that benches have lined conveyance systems. The comment does not warrant any changes to the FEIR.
CCL/WC-8	This comment provides an alternative wording suggestion that pertains to the detention basins on the project site. The comment does not warrant any changes to the FEIR.
CCL/WC-9	This comment provides clarification on the former compost operation screen size. As noted above, the compost operation has been removed from the project description by the applicant and this comment no longer warrants response. The FEIR has been revised to reflect this change to the project.
CCL/WC-10	This comment provides clarification that the MRF is currently operating five days per week. The FEIR has been revised to reflect this correction.
CCL/WC-11	This comment provides clarification stating that leachate production is monitored monthly and reported semi-annually as part of the Landfill's water quality monitoring program. The FEIR has been revised to reflect this correction.
CCL/WC-12	This comment provides clarification stating that results of groundwater monitoring are submitted to RWQCB semi-annually. The FEIR has been revised to reflect this correction.
CCL/WC-13	This comment provides clarification regarding the name of the Odor Impact Minimization Plan. The FEIR has been revised to reflect this correction.
CCL/WC-14	This comment provides clarification regarding a gull population program having to remain active in perpetuity and not having to be falcon/hawk based if other methods prove effective. The comment does not warrant any changes to the FEIR.
CCL/WC-15	This comment provides clarification regarding permit numbers and the parameters associated with the MRF permit. The FEIR has been revised to reflect this correction.

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CCLWC-16	This comment suggests alternative wording regarding the various County permits applicable to the proposed and existing project. The FEIR has been revised to reflect this correction.
CCLWC-17	This comment pertains to tonnage limits associated with the compost operation. The open windrow compost operation has been eliminated from the project description and the FEIR has been revised to reflect this change to the project. Therefore, as a result of these changes the comment is no longer applicable.
CCLWC-18	This comment pertains to the proposed facility footprint size and not the Landfill footprint. In this case, the Landfill is considered the facility, and the "disposal area" is the portion normally referred to as the landfill. This terminology was used due to the public use of the term "landfill" to describe the project site – even when referring to components that don't involve permanent disposal. No change to the FEIR is necessary.
CCLWC-19	This comment states that the life of the Landfill is highly dependent on population growth, economic conditions, development activity, and diversion programs. As a result, the life of the Landfill is difficult to project. The FEIR has been revised to reflect this clarification.
CCLWC-20	This comment recommends that the County requirement to maintain 15 years of disposal capacity should be discussed. The FEIR has not been revised per the suggestion as it does not have a bearing on the CEQA determination.
CCLWC-21	This comment states the development sequence is not critical and may change before the first module is constructed. The comment does not warrant any changes to the FEIR.
CCLWC-22	This comment suggests differentiating between the Landfill and other sub-components such as the RRP or MRF when it comes to daily tonnage limits. Throughout the FEIR the term "Landfill" refers to the entire operation, including all sub-components. Table III-3 differentiates daily tonnage limits for the Landfill, including sub-components. No changes to the FEIR are necessary.
CCLWC-23	This comment confirms that treatment sludge has been removed from the project description as it applies to the compost operation. The FEIR has been revised to eliminate references to adding sludge to the disposal mix as well as the open windrow compost operation.
CCLWC-24	This comment provides background information relating to the need for the MRF expansion as well as the permitting requirements associated with the expansion. No changes to the FEIR are necessary.
CCLWC-25	This comment provides clarification regarding the cut and fill quantities shown in Table III-6. The FEIR has been amended to reflect this clarification.
CCLWC-26	This comment provides suggested re-wording in Section III.E. of the project description relating to the role of CalRecycle. The FEIR has been revised to reflect this clarification.
CCLWC-27	This comment provides clarification on the compaction of trash after disposal with respect to minimizing blowing of fugitive trash. The FEIR has been amended to reflect this clarification.
CCLWC-28	This comment clarifies the volumes of on-site tanks as well as the description of the CNG fueling station that does not have a storage tank. The FEIR has been amended to reflect this clarification.
CCLWC-29	This comment clarifies that a litter control plan is not required by Title 27. The FEIR

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	(HAZ/mm-2) has been amended to reflect this clarification.
CCL/WC-30	This comment states that it would be helpful if the FEIR listed all of the neighboring properties that are to be included in the bi-monthly trash pick-up. To start, it is suggested that the applicant create this list and an associated map using existing and available County-GIS data. As time goes on, the list can be modified to include the most applicable properties through coordination with surrounding neighbors and the County Monitor. No changes to the FEIR are necessary.
CCL/WC-31	This comment states that HAZ/mm-2, requiring the Landfill to prepare a Litter Control Plan that includes litter control responsibility for neighboring properties within one mile of the facility and refuse investigation responsibility for roadways within five miles of the Landfill is not consistent with measures approved by the County on a similar project (i.e., the Chicago Grade Landfill) in 2006. The comment states that Chicago Grade Landfill is required to pick-up trash within one mile of their facility, which is consistent with HAZ/mm-2 recommended as part of this FEIR. HAZ/mm-2(h) requires the Landfill to open their litter control phone number to be available to receive calls relating to Landfill and truck operator-based refuse that is found along the truck haul routes within five miles of the Landfill. Such complaints shall be investigated within one week of receiving the call, including any special pick-up of refuse found. HAZ/mm-2(h) does not require the Landfill to routinely pick-up trash within a five mile area as stated in this comment – it requires the Landfill <u>only</u> to investigate when a call is received, and pick-up trash on an as-needed basis if the investigation shows the trash to have been destined for disposal at the Landfill. No changes to the FEIR are necessary.
CCL/WC-32	This comment states that there is no history that bird hazards are associated with the Landfill and that the Landfill is beyond the distance where special measures are required. HAZ/mm-4 requires the applicant to provide verification that bird strikes for approaching airplanes (those most likely to be affected by birds attracted to the Landfill) at the San Luis Obispo County Regional Airport (SLOCRA) have not increased due to the operations at the Landfill. This measure is warranted as the Landfill is considered (per Federal Aviation Administration (FAA), Advisory Circular No: 150/5200-33B, Section 2) to be a land use practice known to attract large numbers of hazardous wildlife, particularly birds, and is located within five miles of the SLOCRA. In siting a new landfill facility, FAA recommends a six mile separation distance and when conducting Wildlife Hazard Assessments for a Part 139 airport (such as the SLOCRA), land uses within a five mile radius are evaluated. The bird population has varied considerably at the Landfill. This measure ensures that all reasonable means to control birds at the Landfill would be employed. HAZ/mm-4 is a measure which allows for verification of the success of the bird deterrent program(s) implemented and is directly related to the identified potential impact – airplane strikes. No changes to the FEIR are necessary.
CCL/WC-33	This comment states that airstrike data does not correlate bird strikes to Landfill activity. Compliance with this measure will require coordination with the airport and periodic review of the airstrike reports. It would likely take a significant increase in gull strikes in specific locations (i.e., airport approaches) to confirm an effect by the Landfill. No changes to the FEIR are necessary.
CCL/WC-34	This comment addresses fire hazard and combustion potential associated with the open windrow compost operation. The applicant has eliminated the compost operation from the FEIR project description; therefore, this comment is no longer relevant. No changes to the

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	FEIR are necessary.
CCLWC-35	This comment states that APCD currently regulates dust generation based on opacity and that there is no need for HAZ/mm-8 to be recommended in the EIR. Dust opacity is nearly impossible for monitors to measure in the field. Based on experience with construction monitoring on other projects in the County it is more appropriate to use the 5-10 feet limit. This distance is more easily confirmed by equipment operators and monitors. Because the compost operation has been eliminated from the project description and HAZ/mm-8 was recommended in association with the compost operation, this measure has been stricken from the FEIR.
CCLWC-36	This comment requests that HAZ/mm-9 be revised so that the timing for implementation of the measure is associated with "re-establishment" of the compost operation. Because the compost operation has been eliminated from the project description and HAZ/mm-9 was recommended in association with the compost operation, this measure has been stricken from the FEIR.
CCLWC-37	This comment requests that HAZ/mm-9 not restrict the applicant to just aerated static pile composting upon re-establishment of the compost operation. Because the compost operation has been eliminated from the project description, as well as the potential for re-establishment of the compost operation, and HAZ/mm-9 was recommended in association with the compost operation, this measure has been stricken from the FEIR.
CCLWC-38	This comment states that requiring updates in perpetuity (as specified in HAZ/mm-10) is not feasible given the capital investment that may be required of any one composting technology. The word "as feasible" has been added to the requirement and due to elimination of the compost operation, this measure is now solely applicable to odors generated by the Landfill operation. Feasibility would be determined by the County of San Luis Obispo in consultation with other agencies and the applicant.
CCLWC-39	This comment requests that HAZ/mm-11 include a "sunset" clause should a compost operation monitor not be required at some point in the future. Because the compost operation has been eliminated from the project description, as well as the potential for re-establishment of the compost operation, and HAZ/mm-10 was recommended in association with the compost operation, this measure has been stricken from the FEIR.
CCLWC-40	This comment requests the HAZ/mm-13 be amended to allow flexibility in the terms of the timing of implementation of the measure. Because the compost operation has been eliminated from the project description and HAZ/mm-13 was recommended in association with the compost operation, this measure has been stricken from the FEIR.
CCLWC-41	This comment provides detailed clarification regarding equipment that has been replaced at the Landfill. The FEIR has been revised to reflect the clarification provided in this comment.
CCLWC-42	This comment, similar to CCL/DE-6, call into question Lmax and Leq levels specified in the REIR Please refer to response to CCL/DE-6 above.
CCLWC-43	This comment states that, although daily activities at the Landfill are not considered construction, because the equipment used and the activities performed are similar to a construction operation, it would be beneficial to the Landfill to receive a waiver from the Planning Director allowing them to operate under construction noise thresholds. Given the

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	proximity of the Landfill to sensitive receptors, number of noise producing activities proposed, and the length of the activities proposed, the Director will not waive these standards. However, during the Planning Commission hearing, such a decision could be made. No changes to the FEIR are necessary.
CCLWC-44	This comment states that requiring implementation of NS/mm-1 within 30-days of being deemed necessary is too short when considering the possible engineering and permitting requirements associated with implementation. Therefore, NS/mm-1 has been amended to allow flexibility in its implementation (i.e., "as quickly as feasible").
CCLWC-45	This comment states that requiring the noise mitigation plan required as part of NS/mm-2 to be fully implemented prior to any project activity is not feasible due to the complex logistics associated with site engineering, materials, and related constraints. Therefore, NS/mm-2 has been amended to note that only applicable components of the plan shall be implemented prior to any project activity.
CCLWC-46	This comment references NS/mm-2 and states that 90 days may not be enough time for engineering, permitting, and construction. NS/mm-2 does not limit implementation to 90 days and as stated in the previous comment, this measure has been amended to provide a greater degree of flexibility in its implementation.
CCLWC-47	This comment provides clarification regarding the development of modules and stockpiles. The clarification language has been included in the FEIR.
CCLWC-48	This comment provides additional information regarding the daily stockpiling process. As the commenter notes, activities at the Landfill could vary depending on the specific module being constructed and the timing of module filling and excavation. Therefore it cannot be said with certainty that the proposed stockpile would only be used for limited periods. It is acknowledged that this measure is restrictive and would require revising the proposed stockpile locations. However, it appears feasible and is necessary to reduce potential noise impacts at the property line. No changes to the FEIR are necessary.
CCLWC-49	This comment requests clarification regarding Lmax of the compost operation when the grinder or scarab is running. The discussion of noise levels associated with the compost operation in the revised and recirculated Section V.I., Noise, of the Final EIR, includes the distance from the source or the location where the levels were measured. Table V.I.-2 reports Lmax and Leq values of 85.1 and 84.2 dBA, respectively, for the Scarab at a distance of 100 feet. The 2010 Brown-Buntin & Associates study (refer to Appendix E) reports that the tub grinder produced Lmax and Leq values of 89.5 and 84.6 dBA, respectively, at a distance of 100 feet. As noted in the previous responses, the compost operation has been eliminated from the project description by the applicant and will not be a factor contributing to the noise impacts resulting from Landfill expansion. No changes to the FEIR are necessary.
CCLWC-50	This comment notes an error in the referencing of mitigation measures. The text of the FEIR has been amended to reflect the comment.
CCLWC-51	This comment acknowledges that the noise standard would not be met at the nearest property line to the east of the RRP and that a variance would need to be provided for this essential public service. The comment states that NS/mm-8 is not feasible (i.e., covering and enclosing the RRP on three sides to reduce noise) because if implemented the mitigation will drive up user fees. In accordance with the Noise Element, the County is

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	applying the stationary noise thresholds at the property line, not sensitive receptors. It is acknowledged that in most cases, due to the large parcel sizes, noise produced from the proposed project is substantially reduced at the nearest sensitive receptors, possibly below thresholds. The commenter will have the opportunity to make the case that this mitigation measure is economically infeasible at the County Planning Commission hearing and the County's decision making bodies will have the opportunity to make the final determination on what mitigation measures are implemented and to what extent.
CCLWC-52	This comment provides clarification regarding the distance from the Landfill of NS/mm-3 applicability (i.e., 1,000 as opposed to 1,800 feet). Noise Element Stationary Source Noise Reduction Measures "f" has been revised to reflect this change (i.e., 1,800 feet applies).
CCLWC-53	This comment addresses the fact that the 300 ton per day maximum proposed by the Landfill for the compost operation would be impossible to achieve on average and was set to handle peak periods. Because the compost operation has been eliminated from the project description, this comment is no longer relevant and no changes to the FEIR are necessary.
CCLWC-54	This comment provides updated information regarding quantities of leachate collected from 2006-2010. The information from this comment has been incorporated into the FEIR.
CCLWC-55	This comment provides clarification regarding the quantity of water required for module construction. The FEIR has been amended to note that the daily use is higher, but also that the excavation period occurs during a limited period of the six to seven month module construction period. As a result, the anticipated total water use is unchanged.
CCLWC-56	This comment states that groundwater monitoring occurs semi-annually. The FEIR has been amended to reflect this clarification.
CCLWC-57	This comment addresses the fact that the 300 ton per day maximum proposed by the Landfill for the compost operation would be impossible to achieve on average and was set to handle peak periods. Because the compost operation has been eliminated from the project description, this comment is no longer relevant and no changes to the FEIR are necessary.
CCLWC-58	This comment questions WR/mm-6 and the imposition of 25 AFY groundwater limitation. With removal of the open windrow composting operation from the project description, the proposed project uses approximately 24 AFY less groundwater. As a result, WR/mm-6 has been eliminated from the FEIR.
CCLWC-59	This comment states that management of water resources should be addressed on a county-wide basis and not limited to just utilities or businesses. This comment is aimed at the statement in the EIR that water resources in the basin are limited (and in the County in general) and that WR/mm-6 (now stricken from the FEIR) would encourage use of reclaimed water to the extent feasible during construction of Landfill modules. Due to the nature of this comment and because WR/mm-6 has been eliminated from the FEIR, a response is not warranted.

H. GENERAL PUBLIC

The following members of the general public have submitted comments on the May 2011 Recirculated Draft EIR. For ease of reading, when applicable, the commenter's numbering system will be utilized.

Commenter and Address	Code	Date of Letter	Page
Dan Grasseschi	DG	(undated)	XI-94
Clint and Leah Cochran 2008 Carpenter Canyon Road San Luis Obispo, CA93401	CLC	June 27, 2011	XI-96
Jon Hoffmann 1044 Via Chula Robles Arroyo Grande, CA93420	JH	July 5, 2011	XI-100
Hap and Roberta Patchett 1948 Carpenter Canyon Road San Luis Obispo, CA93401	HRP	July 5, 2011	XI-113
Laura Bjorklund 125 Tolosa Place San Luis Obispo, CA93401	LaB	July 10, 2011	XI-115
Pat and Lynette Clements Parcel No. 044-211-009	PC	July 10, 2011	XI-117
Natalie Risner 125 Tolosa Lane San Luis Obispo, CA 93401	NR	July 10, 2011	XI-124
Tobin Risner 125 Tolosa Lane San Luis Obispo, CA 93401	TR	July 10, 2011	XI-127
Sue and Bill Barone 1810 Carpenter Canyon Road San Luis Obispo, CA93401	SBB	July 11, 2011	XI-130

Commenter and Address	Code	Date of Letter	Page
Bruce Falkenhagen 2275 Corbett Canyon Road San Luis Obispo, CA93401	BF	July 11, 2011	XI-172
James and Margaret Neville 2387 Carpenter Canyon Road San Luis Obispo, CA93401	JMN	July 11, 2011	XI-312

John McKenzie,

Re: Cold Canyon Landfill new permit.

The existing permit is not clear as to who is responsible for what, and what happens in the event of a violation.

DG-1

I would like to be sure that if a new permit is issued for Cold Canyon Landfill's proposed expansion, we have a clear understanding of how the permit requirements are going to be monitored and enforced, and what the consequences are for repeated violations of permit conditions.

DG-2

Please provide this information in the boxes below (or other format) so that we as concerned neighbors have the assurance that our planning commission has taken all steps to insure compliance going forward. Any contact information for other issues not listed would be appreciated as well.

DG-3

Thank you,

Dan Grasseschi

	Authority responsible for monitoring / enforcement	Contact Name	Phone number	Number of violations allowed per month	Consequence(s) of violation(s)
Traffic					
Noise					
Odor					
Trash on road					
Health assessment					

Response to Letter from Dan Grasseschi

Comment No.	Response
DG-1	<p>This comment seeks clarification regarding the identification of responsible parties on the existing permit in the event of violations. The County of San Luis Obispo Planning and Building Department is responsible for ensuring compliance with the Mitigation Measures recommended in this EIR and all Conditions of Approval for DRC2005-00170. The first two measures in the FEIR, AES/mm-1 and 2, outline the Notice to Proceed process and the role of a County approved, applicant-funded Environmental Monitor. The Environmental Monitor will be the point of contact for neighborhood complaints and would be responsible for coordinating condition compliance and mitigation monitoring and reporting at the Landfill. Section VIII, Mitigation Monitoring Program contains a description of the applicant's responsibilities in implementing mitigation measures, the party responsible for verification that measures have been implemented (e.g., the County), the method for how the implementation of mitigation measures will be verified, and the timing. No changes to the FEIR are necessary.</p>
DG-2	<p>This comment seeks clarification regarding enforcement of permit conditions should a permit be issued for the proposed expansion project. Mitigation Measure AES/mm-2 provides an outline of the roles of the mitigation monitoring process. That measure requires a specific monitoring plan to be prepared prior to issuance of a Notice to Proceed. In addition, if the applicant does not cooperate with the County Monitor and there are repeated violations, the County has the ability to request a permit revocation hearing with the Planning Commission, in the same manner as was implemented for the compost operation in November 2010. The Planning Commission would have the ability to revoke or amend the permit. No changes to the FEIR are necessary.</p>
DG-3	<p>This comment requests contact information be provided for the parties responsible for monitoring the applicant's compliance with measures associated with traffic, noise, odor, litter on roadways, and health. The contact information for the environmental monitor is not known at this time. However, that would be established as part of the implementation of AES/mm-2 subsequent to issuance of a land use permit for the proposed project. No changes to the FEIR are necessary.</p>

From:
Clint and Leah Cochrane
2008 Carpenter Canyon Road
San Luis Obispo, CA 93401
805-784-0717
lcochrane235@gmail.com

To:
John McKenzie
Senior Environmental Planner
SLO County Planning & Building Department - Environmental Division
976 Osos St. - Rm 200, San Luis Obispo, CA 93408
805/781-5452
FAX 805/788-2413
www.sloplanning.org

June 27, 2011

RE: Draft EIR comments for the Cold Canyon Landfill Expansion permit

- 1) This is NOT an “expansion”, it is a NEW PERMIT and should be treated as such. The current permit is for a current land filling operation whose time is expiring and needs to fulfill the conditions of that permit and EXPIRE. Another site needs to be studied (perhaps one of the two that were better than cold canyon back in 1991). With recycling percentages continuing to rise, the existing site can go long enough to find another more suitable site.
- 2) During the revocation hearing for the composting operation which was held in the fall of 2010, one of the conditions imposed by the planning commission was that there should be a county monitor (applicant funded) in place to assure code compliance. We feel that this should be a project wide condition, and there should be specified fines for non-compliance. (\$2500 minimum?)
- 3) Noise mitigation: The backup beepers can be turned off if the equipment is in an exclusion zone, which means that no one is in an area but the equipment. Non-compliance fine.
- 4) Noise mitigation: Use personnel as spotters for the equipment, and turn the beepers off. Non-compliance fine.

- 5) Water mitigation: Monitor water usage on a regular basis, and no water should leave the site. Non-compliance fine.

- 6) Hazard mitigation: dust and wind borne pollutants need to be stopped. Last year when the health risk assessment was conducted we answered questions regarding our personal health. We both suffer mildly from seasonal allergies. At that point (summer 2010) my daughter had been suffering pretty much year round from allergies and at certain times was even unable to be outside without a mask. We ride our horses almost every day, and there were times when she had to wear a mask like the farm workers wear when applying hazardous materials. We didn't think much of it other than just seasonal pollens, etc. as we told the health risk assessment people. It hasn't been until this winter and spring with professionals calling this "one of the worst allergy seasons ever" due to record rain fall that we've noticed how much better my daughter's allergies have been. She is on allergy medicine, and has had a couple of minor flare ups, but for the most part she has had an awesome allergy-free winter/spring 2011. The only change that we can attribute her overall improved health to, is the fact that the large scale composting operation stopped in October 2010. If her improved health is not the function of the compost operation stopping; what caused it, and the health improvements of many other residents after it ceased operation? We are significantly farther away than the 650 ft stated in the HRA, as are others that have noticed significant health improvement since the composting operation ceased at the volumes that were occurring in the fall of 2010. The new permit needs to have conditions in place that confines the noise and pollutants generated by the composting to the composting site. Whether that means different technology, and/or a building, so be it. Non-compliance fine.

- 7) Noise mitigation: Rather than constructing the modules from north to south as they are presently, if they would fill from the south to the north, their proposed berm would help initially, and then the modules themselves would keep the noise, and most likely the dust more adequately confined to the site.

**Response to Letter from Clint and Leah Cochran,
dated June 27, 2011**

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

Comment No.	Response
CLC-1	<p>This comment states that the proposed project should be analyzed as a new project. According to the comment, the current permit should expire, another site needs to be studied, and increased recycling would allow the existing site to continue to operate until a new site is found. The proposed expansion is considered a new project and that is why the County is requiring the applicant to apply for a new land use permit, one which will replace the existing permits. The project being evaluated would expand the existing hours of operation and amount of material processed at the Landfill. It would also expand the existing footprint of various components of the Landfill. In that way, it is considered an expansion. The current County land use permits for the existing facility are not set to expire and are considered applicable and usable until such time as the Landfill no longer has capacity or elects to not operate any longer. Other sites have been studied as part of the 1991 Siting Study and this FEIR looks at alternatives to the proposed project. No changes to the FEIR are necessary.</p>
CLC-2	<p>This comment refers to the November 2010 revocation hearing that was held before the County Planning Commission to examine the Landfill's open windrow compost operation permit. At that hearing the Planning Commission required the applicant to fund a County Monitor who would monitor the conditions of approval associated with the compost operation. This FEIR recommends a similar requirement whereby a County Monitor, funded by the applicant, would monitor conditions of approval associated with the landfill expansion on a site-wide basis (refer to AES/mm-1 and 2). The County Monitor would not have the ability to issue fines but would have the ability to recommend that construction or operations be stopped, amended, and in all cases reported if violations occur. No changes to the FEIR are necessary.</p>
CLC-3	<p>This comment suggests use of beepers only during times when warranted by the presence of others. Beeper use will be limited to the minimum required by law and ensure a safe working environment. Please refer to revised measure NS/mm-1. In addition, the applicant reports that they are experimenting with OSHA-approved beepers that are designed to warn those only in the immediate vicinity of working equipment but not travel long distances away from the active work zone. The applicant states that there is the possibility these will be in use at the Landfill in the near future. The County does not have the authority to issue condition of approval non-compliance fines. No changes to the FEIR are necessary.</p>
CLC-4	<p>This comment is very similar to that made in "CLC-3" above and the response to CLC-3 is applicable. No changes to the FEIR are necessary.</p>
CLC-5	<p>This comment appears to address stormwater runoff from the project site and recommends a fine be issued if that is the case. In order to limit the percolation of stormwater into disposal areas, it is directed to detention basins on the Landfill. Currently these basins are located adjacent to the Landfill entrance, at the southern corner of the existing disposal area, and between the former CO and the MRF (refer to Figure III-5). Surface water quality at the Landfill 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. The County does not have the authority to issue condition of approval non-compliance fines. No changes to the FEIR are necessary.</p>

Comment No.	Response
CLC-6	<p>This comment summarizes the commenters' experiences with allergies that are surmised to be a result of the windborne pollutants associated with the compost operation. The commenter goes on to state that family allergies have been significantly reduced since the closure of the compost operation and that there may be a connection. The comment requests that the proposed project contain conditions that confine noise and pollutants from the compost operation to the composting site and if this cannot be accomplished – issue a non-compliance fine. The applicant has eliminated the open windrow compost operation from the project description and is not proposing any other form of composting as part of this project. Therefore, the conditions recommended as part of this comment are no longer relevant. The County does not have the authority to issue condition of approval non-compliance fines. No changes to the FEIR are necessary.</p>
CLC-7	<p>This comment suggests the possibility that construction of modules from south to north, as opposed to north to south, may have the result of keeping noise and dust more adequately confined to the project site. The southern (southeastern) property line would potentially be significantly affected by noise from disposal activities in Modules 14, 15, and 16. This is true regardless of the module construction sequence. That same property line is less likely to be affected by disposal activity noise at Modules 11 and 12 since it is approximately 800 feet from those modules. No changes to the FEIR are necessary.</p>

John McKensie
976 Osos Street, Room 200
San Luis Obispo, CA. 93408

1044 Via Chula Robles
Arroyo Grande, CA. 93420
July 5, 2011

I have the following comments relative to Cold Canyon's Recirculated Draft EIR.

TOXIC CHEMICAL RELEASE

The Recirculated Draft EIR does not include a discussion of the violations issued to the Landfill due to release of toxic and cancer causing chemicals which were documented to have occurred in March of 2011. It also does not discuss the warnings of a possible cease and desist order for all non-compliance operations which were issued by the Regional Water Quality Control Board in May of 2011 and again in June of 2011.

JH-1

In January of 2010 (for a period of at least 6 days) violations were issued for release of compost runoff from the landfill. The inspection was unable to determine if leachate seeps were occurring. In December of 2010 (for a period of at least 11 days) and in March of 2011 (for a period of at least 9 days) leachate was released from Cold Canyon Landfill onto neighboring properties, into Pismo Creek and then into the Pacific Ocean. Leachate contains toxic and cancer causing chemicals, it is a serious threat to both humans and wildlife, it has the potential to damage downstream flora and fauna, and will eventually seep into the groundwater which is the drinking water source for neighbors of the Landfill. The releases are documented by numerous violations issued by the Regional Water Quality Control Board and occurred for at least 26 days, or more than 4.7% of the time over the period of the past 18 months. Documentation of these releases increases the probability that the "dead zone" downstream of the landfill is a result of Landfill runoff.

JH-2

A complete leachate description and accounting for December, 2010 and March, 2011 needs to be provided in the final EIR. In December, 2010 and March, 2011 the leachate tank was full, the interior lined pond was overcapacity, and leachate seeps were occurring. 1) For each of these events how many gallons of leachate escaped from the Landfill? 2) How many gallons of stormwater from the holding ponds was transported from the Landfill to the Pismo Beach Waste Water Treatment Plant? 3) How many gallons of leachate was in this transported stormwater? 4) The San Luis Obispo Waste Water Treatment Plant refused trucked tanked leachate from Cold Canyon Landfill. What was the final disposition of this leachate?

JH-3

What actions will the Landfill perform for cleanup of the released chemicals? Mitigation for these events must be included in the final EIR along with a study to determine the health consequences of the dead zone. The results of this study must be reviewed in a public hearing before publication of the final EIR.

JH-4

A discussion of the capacity of the holding ponds and how runoff onto neighboring properties will change through the life of the Landfill needs to be addressed. Mitigation measures for any increase in future runoff volume flow rates must be provided.

JH-5

The Landfill must demonstrate that future leachate and toxic chemical releases will not occur. **Solutions to these problems exist and at least one of the following methods must be implemented: 1) All collected leachate must be trucked to a toxic waste dump. 2) A leachate treatment plant must be constructed to decontaminate all leachate. 3) The Landfill must increase the size of its holding ponds to eliminate all runoff. This method would decrease the groundwater requirements of the Landfill.** Discussion of each of these solutions along with a specific plan to prevent future leachate releases needs to be presented in the final EIR. **Compensation in the amount of \$10,000 must be paid to each affected landowner for each future documented release of toxic chemicals.**

JH-6

COMPOST EMISSIONS

The Health Risk Assessment Study found that neighbors within one mile of the compost operation experienced odor, headaches, and breathing difficulties when exposed to compost emissions. The literature clearly states that emissions from compost facilities result in a wide range of adverse health effects, acute toxic effects, allergies, infection and cancer.

JH-7

The Recirculated Draft EIR states that the compost facility will be moved to the top deck of the Landfill. Many of the odor complaints occur early in the morning or late afternoon with little or no wind. In this case compost emissions move by gravity and migrate to lower elevations since the emissions are heavier than air. Moving the compost operation to a higher elevation will only transfer the majority of health problems to another group of neighbors within one mile of the facility. All past efforts to reduce odor have failed, including surrounding the compost facility with water and “magic fluid” misters.

JH-8

The Recirculated Draft EIR proposed using Aerated Static Pile Composting or Anaerobic Digestion and states that odor complaints will continue as long as the compost operation is not enclosed. American Bio Tech states that “Aerated Static Pile Composting emits excessive amounts of steam and odor”. **The permit for expansion of the landfill using any outdoor composting facility which is not fully enclosed must not be approved, even on a trial basis.** Other solutions exist and each must be discussed in the final EIR. For example, 1) in-vessel composting could be used. 2) The compost facility could be relocated to a remote location. 3) The compost facility could be placed in an enclosed structure. **Specific plans which will prevent compost emissions from migrating off-site must be included in the final EIR. To correlate with the results of the Health Risk Assessment Study, the compost facility needs to be located at least one mile from any neighboring residence. A representative from the County Air Pollution Control District must be placed in charge of compost emissions. Each time a verified complaint is registered a warning shall be issued to the Landfill. In the event that two verified complaints are registered in a period of two months compensation in the amount of \$1,000 shall be paid to each affected neighbor. In the event that three verified complaints are registered in a period of three months the compost facility must terminate all compost operations immediately.**

JH-9

HEALTH RISK ASSESSMENT DRAFT REPORTS

The Draft Health Risk Assessment Reports are incomplete and the results obtained from the survey do not correlate with some of the recommendations made. For example, the reports **failed** to acknowledge that one of the neighbors of the Landfill who is allergic to mold suffers from severe spasms, convulsions and pain when exposed to compost emissions. It also **failed** to report that the health of this same neighbor has recovered since the compost facility has ceased operation, and has **failed** to report that the number of odor complaints has significantly decreased since the facility ceased operation. The reports **failed** to discuss the release of leachate from the Landfill which occurred in December of 2010 and March of 2011, and has **failed** to report the potential of a cease and desist order for all non-compliance operations, warnings given by the Regional Water Quality Control Board on May 18, 2011 and on June 27, 2011. The reports **failed** to acknowledge that for a minimum of 26 days during the past 18 months the Landfill has released toxic and/or cancer causing chemicals. Each of these results along with the potential health risks needs to be included in the final Health Risk Assessment Report and in the final EIR.

JH-10

The draft reports state that the literature shows that bioaerosol concentrations diminish to background levels at distances up to ½ mile but the survey found that a significant number of the neighbors were affected by the emissions at distances up to one mile from the compost facility. Even with these results the draft report recommends that the compost facility be located only ¼ mile from neighbors which **fails** to correlate with the findings of the study. The reports **failed** to refer to the American Bio Tech statement that odor complaints from over five miles away have closed many open pile composting facilities. The Health Risk Assessment was conducted to obtain actual results for our specific topography and atmospheric conditions rather than relying on results presented in the literature; therefore based upon the survey it appears that any outdoor compost facility which is not fully enclosed should be located at a distance of at least one mile from neighbors.

JH-11

Cancer incidence was excluded from the Health Risk Assessment and it was recommended that a noise survey be conducted. A noise survey and a cancer incidence study must be conducted. The reports **failed** to discuss the numerous past efforts made by Cold Canyon Landfill to reduce compost emissions. Past efforts to reduce odors by surrounding the compost facility with water misters and a "magic fluid" **failed**, so it is highly unlikely that surrounding the compost facility with trees and shrubs will reduce emissions.

JH-12

The author of the Draft Health Risk Assessment reports discusses bias of the neighbors but **fails** to discuss his bias in favor of the source of his funding. The draft reports **fail** to be complete, accurate, unbiased and professional. Did the County **deliberately fail** to choose a competent Health Risk Assessment Group? Another group must be chosen to complete the Health Risk Assessment.

JH-13

COUNTY AGENCIES

The State Regional Water Quality Board and CalRecycle have both issued numerous violations to Cold Canyon Landfill but County Code Enforcement, to my knowledge, has not issued a single violation despite the numerous complaints presented to them. A discussion of why the County agencies have not responded to complaints of neighbors needs to be discussed in the final EIR. For example, numerous complaints of noise have been made by neighbors of the Landfill but I don't know of any noise violation issued by the County. The Brown-Buntin report verifies that noise levels exceed County standards. It appears that the County is unable or incompetent in measurement of noise levels, or they have deliberately ignored complaints of neighbors. **A plan for response to complaints and a plan for enforcement of County codes and standards including termination of non-compliant operations and financial compensation to affected neighbors must be articulated in the final EIR.**

JH-14

A cancer incidence survey was excluded from the Health Risk Assessment Study but the County Health Department stated that, based upon the Health Risk Assessment Study the results do not support concerns that the landfill may be responsible for the unusual number of cancer cases for neighbors of the Landfill. This statement from the County Health Department is presented in a letter dated prior to the second Health Risk Draft Report which discusses cancer incidence and prior to the leachate release which occurred in March of 2011. **The County Health Department must provide an accurate and objective statement relative to the possibility of a cancer cluster, along with potential health risks resulting from the release of toxic and cancer causing chemicals.**

JH-15

The County decided to not complete the Health Risk Assessment Study based upon flawed and incomplete data presented in the first draft report and prior to the report of leachate releases from the Landfill. **The Health Risk Assessment Study must be completed.**

JH-16

NOISE

The review of noise problems presented in the 2010 Brown-Buntin report has been significantly improved. Noise levels at the property boundaries of neighbors have been shown to exceed County Standards and are significant impacts for the disposal activities, the Resource Recovery Park, backup warnings, bird whistles and cumulative impacts. **The final EIR must include verified mitigation measures for each non-compliant noise source so County standards are met.** It is recommended that fences be erected around active outdoor living areas of selected neighbors to reduce noise levels; however the noise level standards of the County will still be exceeded. **Reduction of noise levels to meet County standards at the boundaries of the Landfill must be the responsibility of the Landfill.**

JH-17

The written descriptions for dBAm_{ax} and dB_Aeq do not correspond to the results shown in the figures for sites A, B, C, D and E. For example at site A, the description states that the maximum noise levels are in the 55-60 dBA range but the chart shows these levels in the 52 to 73 dBA range and exceed 70 dBA for at least two periods.

JH-18

It has been proposed that the tub grinder, one of the most noisy sources, be enclosed by noise barriers (for example, straw bales). The 2010 Brown-Buntin report states that it is likely that tub grinder noise will exceed County standards even with noise barriers. The noise barrier method of noise reduction needs to be attempted and the results need to be included in the final EIR to verify compliance with the noise standards of the County. In the event that noise standards are not met other possible solutions are available. For example: 1) The tub grinder could be located at another remote site. 2) Another grinder could be used. 3) A commercially available sound curtain enclosure could be used. 4) A combination of source noise reduction and noise barriers could be used. **A specific method which has been verified by a qualified noise measurement expert which reduces grinder noise levels to meet County standards must be included in the final EIR.**

JH-19

The 2010 Brown-Buntin report states that as the active Landfill face becomes higher in elevation neighbors within 1500 feet of the face will experience noise levels which exceed County standards. **The final EIR must include recommendations from a qualified noise consultant for specific appropriate acoustic treatment of each non-compliant noise source, and noise attenuation measures need to be presented which will meet County noise standards for the life of the Landfill.** This may be achieved by: 1) The use of low noise generating equipment. 2) Reducing noise at the source of each landfill activity. 3) Constructing noise barriers around each landfill operation. 4) The use of equipment enclosures. 5) Operation of vehicles only in the forward mode to avoid the use of back-up warning devices. 6) A combination of these or other techniques. The use of commercially available movable modular noise barriers, or straw bales, needs to be investigated. The qualified noise consultant may need to pinpoint the noise source of each piece of equipment to recommend noise reduction methods. For example, if the major noise source is engine noise acoustic damping material around the housing of the engine may be needed. If the major source of noise is exhaust noise a different muffler may need to be used.

JH-20

All noise sources which presently exceed County noise standards must be brought into compliance with County standards, and verification by a qualified expert must be included in the final EIR. Future noise levels must be measured by a qualified expert on a monthly basis. Each time a verified complaint is registered a warning shall be issued to the Landfill. In the event that County standards are not met for two consecutive months compensation in the amount of \$1,000 must be paid to each affected neighbor for each violation. In the event that County standards are not met for three consecutive months the use of the non-compliant equipment and/or the noise activity must be terminated immediately.

JH-21

The County ordinance requires that traffic noise be below the standards of the County at the property boundary. Even with a setback of 150 feet County standards have been predicted to be exceeded. Neighbors all along Highway 227 are affected. Again the noise level standard for the County is presently violated and was predicted to be violated for the proposed expansion. **A specific plan which will meet County standards must be presented in the final EIR.**

JH-22

The major problems with the noise portion of the Recirculated Draft EIR are: 1) Many noise sources have been categorized as Class I, significant and unavoidable; the final EIR must include a study presenting mitigation measures so that each Class I noise sources is modified and is verified to become Class II so that County standards are met. 2) The Enforcement of County standards must require termination of non-compliant noise sources along with compensation to affected neighbors. The landfill is able to operate in the quiet mode as they did in 2010 when the Brown-Buntin Group began Landfill noise measurements.

JH-23

OMISSIONS

Several recommendations which I made in the Draft EIR have been ignored. For example, in my March 13, 2009 letter to you I recommended that a study for an alternative Landfill site along with transfer stations, material recovery stations, and waste to energy conversion be presented. I specifically suggested investigating the Sycamore Canyon site located off Highway 166. I did not see a discussion of this or other possible alternative landfill sites in the Recirculated Draft EIR. This study would provide an update to the 1991 Siting Study. This study will also provide a roadmap for the future and would provide guidance in the event that a cease and desist order is issued to the Landfill.

JH-24

Some important findings reported in the studies have been ignored in the Recirculated Draft EIR. For example, the 2010 Brown-Buntin report states that it is likely that the tub grinder noise will exceed County standards even with noise barriers. Also the 2010 Brown-Buntin report states that as the active Landfill face reaches higher elevations neighbors within 1500 feet of the face will experience noise levels in excess of County standards.

JH-25

ESCROW ACCOUNT

The Landfill shall establish an escrow account with an initial deposit of \$250,000. This account shall be controlled by a local law firm and shall be used for compensation payments to neighbors for documented violations. A contract with the law firm shall be included in the final EIR. Each time this escrow account is depleted to \$50,000 the Landfill shall increase the funds to \$250,000. Funds remaining in the account are to be returned to the Landfill at the end of the life of the Landfill.

JH-26

CONCLUSIONS

The release of toxic chemicals along with the release of toxic compost emissions from Cold Canyon Landfill are both violations of the Health and Safety Code of the County. The Brown-Buntin reports show that the noise standards for the County are now being violated and the violations will increase with the proposed expansion. **The final EIR must include:** 1) Verification that all Federal, County and State codes, ordinances and standards for the present operation have been achieved. 2) SPECIFIC plans to achieve all codes, ordinances and standards for the future life of the Landfill. 3) Clearly defined measures for enforcement of Federal, County and State codes along with the consequence of termination and financial compensation for each non-compliant operation. Let us not rush into publication of the final EIR before we have assurance that past violations will not occur in the future.

JH-27

Sincerely,



Jon A. Hoffmann
Registered Professional Engineer
State of California

**Response to Letter from Jon Hoffmann,
dated July 5, 2011**

Comment No.	Response
JH-1	<p>This comment states that the 2011 REIR does not include a discussion of the violations issued to the applicant due to release of cancer causing and toxic chemicals documented in March 2011. Activities and violations at the Landfill have been ongoing in recent years. The RDEIR attempted to provide an overview of those violations through coordination with the RWQCB (Regional Water Quality Control Board) and other responsible agencies. In response to this comment the FEIR, Section V.H.1.f(1)(a), includes the following:</p> <p><i>In response to Notices of Violation (NOV's) issued by the RWQCB to the Landfill during the 2010/2011 wet weather season, the Landfill created and implemented an action plan. This action plan was developed with RWQCB input in order to address the concerns they noted in their 2010/2011 inspections. The action plan included Best Management Practice (BMP) improvements. These BMP's included geomembrane caps, lined bench's and drainage pathway's, leachate interceptors, increase leachate storage capacity, application of erosion control technologies, the addition of added intermediate cover to a large portion of the Landfill, redesign of the sediment basin's drainage features, along with a number of other unlisted improvements. According to the Landfill, all of the action items have been implemented as of this date. The applicant reports that subsequent inspections by the RWQCB during the 2011/2012 wet weather season have illustrated the effectiveness of the improvements and no additional NOV's have been issued.</i></p> <p>As part of discussions with the RWQCB (Fletcher 2012), RWQCB states that the applicant's efforts described above have helped reduce and in some cases alleviate leachate discharge and surface water quality issues experienced during the 2010/2011 winter season. RWQCB, as part of enforcing the Clean Water Act, visits the site regularly and posts monitoring reports to the State Water Resources Control Board <i>GeoTracker</i> website for public review. No changes to the FEIR are necessary.</p>
JH-2	<p>This comment details a release of compost operation runoff in 2010 and 2011 and the resulting "dead zone" downstream of the Landfill that is a result. The County is unaware of a "dead zone" downstream from the Landfill. The FEIR acknowledges potential impacts to surface and groundwater may result from the proposed project, and notes that existing regulatory environment would mitigate potential impacts. Groundwater and surface water quality is monitored by the RWQCB as through enforcement of Waste Discharge Requirements (WDRs) under which the Landfill operates. Violations of those permit conditions may occur, and the RWQCB is the agency responsible for assuring compliance with the (Waste Discharge Requirements) WDRs. No changes to the FEIR are necessary.</p>
JH-3	<p>This comment requests complete documentation of leachate for December 2010 and March 2011, number of gallons that escaped the Landfill, how many gallons were transported, and the final disposition of the material. It is the County's opinion, due to the regulatory oversight provided by agencies such as the RWQCB on topics such as leachate, its containment, and eventual disposition, that a regulatory overview of how this material is handled and monitored is sufficient for purposes of the EIR analysis. As noted in the EIR, groundwater, surface water, and leachate quality is monitored and regulated by the RWQCB. As noted in the EIR, the RWQCB is coordinating with the applicant to ensure better compliance with WDRs. No</p>

Comment No.	Response
	changes to the FEIR are necessary.
JH-4	This comment asks what actions the applicant will perform for clean-up of released chemicals. The RWQCB regulates groundwater and surface water quality through enforcement of the WDRs. The EIR notes that recent violations have occurred. It also notes that the RWQCB is working with the applicant to rectify the issues. There are not long-term outstanding violations that warrant further review in the EIR. No changes to the FEIR are necessary.
JH-5	This comment requests the EIR provide information regarding the changing capacity of the holding ponds and runoff onto neighboring properties over the life of the Landfill be included. Regulations require the applicant to submit a Report of Waste Discharge/Joint Technical Document to the RWQCB prior to initiating the proposed project. The applicant will also be required to update their Stormwater Pollution Prevention Program (SWPPP) and enroll in the General Construction Stormwater Permit and develop a SWPPP specifically for construction activities related to the proposed project. The RWQCB has previously indicated that revised WDRs cannot be adopted until after a FEIR is certified. No changes to the FEIR are necessary.
JH-6	This comment states that the Landfill must demonstrate that future leachate and toxic chemical releases will not occur and goes on to recommend several measures to keep this from happening. Leachate control is handled at the Landfill through construction and operation of the Leachate Collection and Removal System described in Section V.H., Hazards and Hazardous Materials, of the FEIR. This system would be expanded as part of the proposed project. Historically, the RWQCB has allowed the applicant to test leachate quality and use collected leachate for dust control in lined areas of the Landfill. That process would likely continue as part of the proposed project. No changes to the FEIR are necessary.
JH-7	This comment summarizes findings from the Health Risk Assessment relating to the compost operation. The report notes that neighbors within one mile of the compost operation experienced health problems such as headaches and breathing difficulties. However, it also concludes that there does not appear to be any trends in the survey data that indicate the Landfill is affecting the health of neighboring residents. Further, it notes that "Given the previous studies . . . it appears that a significant risk to the public does not exist." (refer to Appendix I, January 19, 2011 report, page 12). In addition, the project applicant has removed the open windrow compost operation from the project description. No changes to the FEIR are necessary.
JH-8	This comment outlines odor issues associated with the former compost operation and potential problems associated with moving it to the top deck. The EIR noted that despite all of the mitigation measures recommended, odor impacts would have remained significant and unavoidable – this would have been true whether or not the compost operation is moved to the top deck. As noted previously, the project applicant has removed the open windrow compost operation from the project description. This comment is no longer applicable and no changes to the FEIR are necessary.
JH-9	This comment essentially states that a project approval should not be issued as long as the compost operation is not enclosed. The EIR notes that even if enclosed, it is possible that odor impacts would potentially remain significant and unavoidable. Chapter VI, Alternatives Analysis, identifies a potential alternative location for the proposed project. Moving the compost operation to a remote location would reduce odor impacts, however it may result in other impacts such as air emissions and traffic. As noted previously, the project applicant has

Comment No.	Response
	removed the open windrow compost operation from the project description. This comment is no longer applicable and no changes to the FEIR are necessary.
JH-10	This comment outlines perceived deficiencies with the Health Risk Assessment (HRA) reports, notes that various neighbor's health conditions have improved since the compost operation ceased operating in September 2010, and that the Landfill had released toxic and/or cancer causing chemicals. It would be difficult to confirm the overall public health effects of the compost operation through the experiences of one person who is allergic to mold. This is why a sample questionnaire and interviews with multiple residents, many of whom have lived in proximity to the Landfill for many years were conducted as part of preparation of the HRA (it should be noted that due to the relatively rural nature of the project vicinity, the sample size was relatively small, making any potential trends difficult to discern). The conclusions in the HRA were based on existing compost facility literature and the results of these surveys – not on individual effects of periodic water quality violations. As noted previously, the project applicant has removed the open windrow compost operation from the project description. This comment is no longer applicable and no changes to the FEIR are necessary.
JH-11	This comment states that any outdoor compost operation at the Landfill should be located at least one mile from neighbors. The HRA does not conclude "a significant number of the neighbors were affected by the emissions....." The HRA notes that some survey participants <i>report</i> being affected by the landfill activities, but concludes that ". . . what is shown by the data is that odor issues and annoying noise do indeed exist in the immediate area of the landfill and compost facility." This fact is also noted in the EIR analysis. As noted previously, the project applicant has removed the open windrow compost operation from the project description. This comment is no longer applicable and no changes to the FEIR are necessary.
JH-12	Two noise surveys have been performed for the project. They note that the existing and proposed projects exceed County thresholds for noise at the property lines. Of the 20 persons surveyed in the Draft HRA three raised the issue of cancer affects – despite the fact that it was not included on the questionnaire. Two residents expressed concern that the cancer incidence rate might be higher than expected. The Draft HRA notes that a "cancer cluster" analysis is only effective if the sample population is relatively large. It also notes that due to a relatively high background rate of cancer in the US (one in three persons is expected to contract cancer) and a high mortality rate (one in four persons in the US is expected to die from cancer) it would be an extremely difficult issue to address, especially considering the low population density. No changes to the FEIR are necessary.
JH-13	The comment suggests that the County has an interest in downplaying the potential health risks of the Landfill. This is not supported by factual information. Further, the comment appears to suggest that Dr. Greenberg has an economic interest to downplay potential health risks and as a result <i>not</i> to prepare additional studies (the Draft HRA concludes that no additional HRA work should be performed). Dr. Greenberg was paid by the EIR consultant, who was paid by the County. The work of both had to first meet the County's requirements before funding was issued. No changes to the FEIR are necessary.
JH-14	This comment states that a discussion of why County Code Enforcement has not responded to neighbor complaints needs to be included in the FEIR. Moving forward, if the proposed expansion project is approved, Mitigation Measures AES/mm-1 and 2 outline a process by which the County would hire an applicant-funded mitigation monitor to oversee condition compliance and mitigation monitoring and reporting on behalf the County of San Luis Obispo

Comment No.	Response
	Department of Planning and Building. It should also be noted that the County did respond to neighbor complaints (which were focused on the open windrow compost operation) by taking the applicant to permit revocation hearing in November 2010. No changes to the FEIR are necessary.
JH-15	This comment states that the San Luis Obispo County Public Health Department (SLOCPHD) must provide an accurate and objective statement relative to the possibility of a cancer cluster and other health risks associated with the Landfill. SLOCPHD, after review of the Phase I HRA, believes that based on the results of the Phase I HRA a more in-depth Phase II HRA is not warranted because concerns expressed by neighbors regarding a cancer cluster being caused by the Landfill are not supported (refer to Appendix I, December 2010 SLOCPHD Memorandum). No changes to the FEIR are necessary.
JH-16	This comment states that the County completed the Phase I HRA based on flawed and incomplete data and at a time prior to leachate releases from the Landfill. Therefore, the County should prepare further study. The issues of leachate monitoring and releases, as well as the findings of the Phase I HRA are responded to above (please refer to responses JH-2-7, 10-13, and 15). No changes to the FEIR are necessary.
JH-17	This comment summarizes the noise impacts noted in the REIR and states that reduction of noise levels to meet County standards must be the responsibility of the applicant. The EIR notes that despite the substantial amount of mitigation proposed, the proposed project would exceed significant thresholds at the property lines. This impact is considered significant and unavoidable; however, several measures are recommended (to be implemented by the applicant) with the objective of reducing noise impacts to the greatest extent feasible. No changes to the FEIR are necessary.
JH-18	<p>This comment states that the written description of dBAm_{ax} and dB_Aeq do not correspond to the results shown in figures found in the EIR. The difference is attributable to the noise consultant's assessment of what the noise source producing the L_{max} was. The 2010 Study notes that:</p> <p><i>"Reported maximum noise levels were most likely caused by localized activities near the microphone, occasional aircraft over-flights or roadway traffic at all of the long-term sites. Since hourly Leq values represent energy average noise levels, they can be significantly affected by occasional noise events that may or may not be related to landfill activities. This was most likely the case at Sites A, C and E. Hourly Leq values measured at Sites B and D are assumed to be generally representative of landfill activities due to their locations relatively close to landfill noise sources and at some distance from major traffic noise sources." (page 4).</i></p> <p>This is why the text in the report often includes the phrase "Field observations by BBA staff . . ." prior to estimating respective dBA. No changes to the FEIR are necessary.</p>
JH-19	This comment requests that a specific, and previously verified, measure for reducing noise associated with the tub grinder needs to be included in the FEIR. NS/mm-5 recommends an "effective noise barrier." This could be straw bales or another material, including ones noted in this comment. The tub grinder could potentially be located at another location, although that may have similar impacts to other residences, or result in secondary impacts such as increased traffic and air emissions. Because the noise produced by use of the tub grinder for processing green waste would potentially exceed thresholds, and because the operation would be

Comment No.	Response
	relocated over time, it may be necessary to implement multiple noise reduction strategies over time. No changes to the FEIR are necessary.
JH-20	This comment states the FEIR must include specific recommendations from a qualified noise consultant that will result in County noise standards being met. NS/mm-1, NS/mm-3, NS/mm-5, NS/mm-6 and NS/mm-8 all require noise reduction techniques to be implemented prior to and during operation of the proposed project, and their relative successes evaluated. These measures are designed keeping in mind that the Landfill site will be evolving over the life of the Landfill and that attenuation of noise will be an ongoing process. The process of attenuating noise over time will be tracked and verified by the County required Environmental Monitor. No changes to the FEIR are necessary.
JH-21	This comment states that all noise sources which presently exceed County noise standards must be brought into compliance, future noise levels must be measured by a qualified consultant on a monthly basis, and if standards are not met a \$1,000 fine will be issued. The EIR must evaluate the proposed project and alternatives, identify impacts, and recommend mitigation measures to reduce those impacts to a less than significant level, as feasible. An EIR, therefore, is not necessarily the appropriate mechanism for correcting historic or existing violations. Future noise levels will however be documented and verified through use of a qualified consultant in coordination with the County monitor. The County does not have the ability to issue a fine but does have the ability to revoke a land use permit if conditions of approval are not adhered to by a permit holder. No changes to the FEIR are necessary.
JH-22	This comment states that existing transportation noise standards are violated and the County needs to provide a plan that will ensure County noise standards are not exceeded. The FEIR predicts that with a setback of 150 feet from the center of the roadway, future annual average traffic noise exposure without the project would be 61.2 dB Ldn. This exceeds the County's 60 dB Ldn noise compatibility standard. Including project-related traffic, the future traffic noise exposure would increase by 0.8 dB to 62 dB Ldn. There are two residences located approximately 150 feet southwest from the centerline of the roadway. However, these residences, and their likely outdoor activity areas, are located approximately 15 feet below the grade of Highway 227. Based on Table 2-1 in the County's Noise Element, this elevation difference would reduce the dB level by approximately five dB, resulting in a noise exposure of approximately 57 dB. This resulting noise exposure is below the 60 dBA threshold and is considered less than significant (Class III). No changes to the FEIR are necessary.
JH-23	This comment states that it is problematic that the EIR identifies several of the noise issues as significant and unavoidable, that it does not include mitigation measures to reduce these impacts to less than significant, and that enforcement of County standards must require elimination of noise sources or compensation to affected neighbors. The EIR notes that due to the noise generated by heavy machinery, and the proximity of the noise-producing activities to the property lines, it is infeasible to reduce all noise from the Landfill below the County thresholds of significance, although substantial mitigation measures have been recommended – including enclosing the tub grinder, partially enclosing the RRP, and constructing noise attenuation berms. The County has proposed a substantial mitigation monitoring effort as part of this EIR. If noise performance standards are not met, the County would have the authority to revoke the permit for this Landfill and/or any individual component. It should be noted, that if over-riding findings are made associated with noise-related impacts, one could conclude that Noise Element levels would be exceeded and the applicant would only be required to minimize noise impacts to the extent feasible. No changes to the FEIR are necessary.

Comment No.	Response
JH-24	This comment states that the REIR includes several omissions, including an investigation of the Sycamore Site off of State Route 166 as an alternative to the proposed project. Revisions have been made to the Alternatives section of the FEIR and responses have been provided to comments submitted in 2009 on the 2009 DEIR (please refer to Section X of the FEIR). The EIR includes a reasonable range of alternatives to the proposed project. The EIR is not intended to update or supplement the 1991 Siting Study. No changes to the FEIR are necessary.
JH-25	This comment outlines potential omissions in the FEIR, including information included in the 2010 Noise Study. The FEIR concludes that the tub grinder and/or scarab could produce noise in excess of the County threshold – although it notes that through implementation of an alternative composting technology and/or enclosure of the CO, noise levels could be reduced below thresholds. The Brown-Buntin & Associates (BBA) report did not consider complete enclosure of the compost operation nor alternative composting strategies. The EIR does also note that “in other cases the working face would be substantially elevated above the elevation of the nearest property line.” (page V-220 of the revised and recirculated Section V.I., Noise, of the Final EIR). This is one of the reasons that impacts would be significant. No changes to the FEIR are necessary.
JH-26	This comment states that an escrow account of \$250,000 shall be established by the Landfill and controlled by a law firm for use as payment to the neighbors as compensation for documented violations. The County of San Luis Obispo will have authority to administer non-monetary penalties for violations of the Conditions of Approval for the proposed project such as revocation of the permit for this Landfill and/or any individual component. No changes to the FEIR are necessary.
JH-27	This comment summarizes general elements found in Comments 1 through 26 above such as release of toxic chemicals, significant and unavoidable noise impacts, compliance with federal, state and local codes and ordinances, financial compensation for non-compliance with federal, state, and local laws, ordinances, rules, and regulations, and an assurance that past violations will not occur in the future. The FEIR does not need to verify that all codes standards, etc. for the present operation have been achieved. The EIR does include a discussion of the regulatory environment and identifies impacts that may result if those regulations are not met (for example – not meeting noise standards would result in a potentially significant impact). This REIR recommends numerous mitigation measures that would need to be implemented before and during operation of the proposed project. It is not feasible to test each measure prior to implementation of the various components of the project. No changes to the FEIR are necessary.

July 5, 2011

Dear Mr. McKenzie,

This letter is in regard to the purposed permit for Cold Canyon Landfill continuation.

There are currently many operational conditions occurring at the Landfill that are of a daily nuisance to ourselves and our neighbors that we feel should be eliminated. Some of these issues are: excessive noise, dust on a daily basis, occasional obnoxious excessive odor, as well as other issues such as water use, ground water contamination, excessive truck traffic, off-site water pollution to the year-round stream.

HRP-1

Many of these conditions are created by operations that are in violation of current laws, codes and ordinances that are intended to prevent these nuisances to we the neighbors and to the public at large.

HRP-2

Therefore, if a new permit is issued, the Landfill operation should be required to comply with all existing ordinances, laws and codes.

We feel that the lack of code enforcement on the local level has made it possible for Cold Canyon Landfill to be in violation without consequences, and any terms and conditions of a new permit should have enforcement and penalty consequences of sited violations.

HRP-3

Due to the daily aggravation and nuisance of excessive noise, airborne dust, etc., we feel very strongly that the hours of operation should be limited to the hours that the Landfill is doing at this time and not be extended to earlier in the morning or until 10 PM at night.

HRP-4

We appreciate your efforts to require Cold Canyon Landfill to mitigate these unacceptable conditions.

HRP-5

Thank you.

Hap and Roberta Patchett
1948 Carpenter Canyon Road
San Luis Obispo, California 93401

Cc: John Noll
Adam Hill

**Response to Letter from Hap and Roberta Patchett,
dated July 5, 2011**

Comment No.	Response
HRP-1	This comment outlines numerous existing issues at the Landfill including noise, dust, odor, water use, water contamination, and truck traffic. The EIR concludes that there would be numerous significant impacts associated with the proposed project, some of which cannot be mitigated to a level of insignificance – including noise and odors. Measure AES/mm-1 and 2 have been recommended to address the mitigation monitoring and condition compliance required at the Landfill. No changes to the FEIR are necessary.
HRP-2	This comment states that the existing issues outlined in Comment HRP-1 are also resulting in violation of existing ordinances, codes, and laws and that if the proposed project is approved, it should be required to be in compliance with existing law. The FEIR takes every opportunity to document all existing laws that are applicable to the existing as well as the proposed project, the governmental agencies that are charged with their enforcement, and how these will be adhered to as part of the proposed project. No changes to the FEIR are necessary.
HRP-3	This comment states that it is a lack of local code enforcement that has enabled the Landfill to operate in violation of various laws without consequences. Currently there are numerous agencies (APCD, RWCQB, CalRecycle, and County of San Luis Obispo Department of Planning and Building) providing enforcement at the facility. However, the public has made it clear that attempts at enforcement have not been satisfactory. AES/mm-1 and 2 require an applicant-funded, County-hired mitigation monitor to oversee condition compliance at the Landfill in perpetuity. This is the County's attempt to ensure that violations are documented, reported, and rectified. No changes to the FEIR are necessary.
HRP-4	This comment requests that the hours of operation of the Landfill not be extended due to excessive noise, dust, and general aggravation. The FEIR addresses and attempts to reduce to a level of insignificance those issues outlined by the commenter. No significant impacts were identified that specifically relate to the increased hours of operation; therefore, per CEQA (which requires a direct nexus between impacts and mitigation measures) no changes to the proposed hours of operation have been recommended and no changes to the FEIR have been made.
HRP-5	This comment states appreciation for the County's efforts to require implementation of mitigation measures that reduce impacts resulting from the Landfill. This comment does not warrant a response.



Comments to EIR

laurabjork o jdmckenzie

07/10/2011 06:45 PM

History: This message has been replied to.

Dear John McKenzie,

My Name is Laura Bjorklund, I reside at 125 Tolosa Place, SLO, Ca 93401. My phone #s hm 546-9086, cell441-2197. My email is Laurabjork@aol.com

John, I have lived here since 1976, long before the landfill even had a permit. I remember when the permit was issued it was clearly stated that it would only be for the duration of the granted permit. I was agreeable to this feeling that it was necessary for our county. Now a new permit is in the offing and I can't quite believe that this is going to be approved. Let me ask you this, if a new request for a landfill was filed for an area near here, would it even be concidered?

LaB-1

I am very concerned with the new permit and its hugh increase in volume. I also am very distressed at the idea of extending the hours. Is the noise that we live with on a daily basis is now going to be going on virtually ALL the TIME? I live across the street and can hear the beepers, etc inside my house with all the doors and windows closed. I would like to know why they are asking for such a big increase, why can't the volume remain the same with perhaps a small increase to reflect the growing population of just our county? Are they planning to accept refuse from all over the state? I feel a landfill of this size should be located in an unpopulated area. I am also very concerend about the increase in traffic on our small country roads. Who is going to reimburse these neighbors for our loss of property value? As the landfill's own Tom Martin said, he would never live anywhew near here.

LaB-2

I must admit that since the composting has stopped, the smellis not a problem anymore, but I am concerned what is going to happen if and when this is reimplemented.

LaB-3

Another hugh concern is water. This valley is known for it's lack of water, and who knows what is happening with ground water table even at present usage. The runoff from poluted rain is an another issue of great concern.

LaB-4

It seems very unfair for a person such as myself to have to suffer these consequences brought on by my neighbor the landfill. I also resent all the time and effort myself and my neighbors have spent on registering complaints that are not mitigated.

LaB-5

Thank you in advance John for listening and hopefully helping county residents.

Sincerely Laura Bjorklund

**Response to Email from Laura Bjorklund,
dated July 10, 2011**

Comment No.	Response
LaB-1	This comment asks whether a new permit would be issued for a new project at this location and of this nature if the facility did not already exist. It is likely that a permit for a new Landfill at this site would also require an EIR, result in significant, unavoidable impacts and generate substantial public controversy. Whether a permit would be issued is a difficult question to answer that would involve a great deal of speculation on difficult to discern externalities such as the political will of County decision making bodies, the need for such a facility, etc. It is not the role of an EIR to address such questions. No changes to the FEIR are necessary.
LaB-2	This comment states dissatisfaction with the proposed increase in volume, expanded hours, existing Landfill related issues such as noise and traffic, and an opinion that such a facility should be located in an unpopulated area. The hours are expanded in a manner consistent with commercial business, with the exception of the MRF, which would potentially operate until 10 p.m. This does extend the periods during which noise is produced from landfill activities. Since public review of the REIR the compost operation has been eliminated and the overall volume increase has been reduced to 2,050 tons per day (the existing volume is 1,620 tons per day). Locations for a Landfill within an unpopulated area were examined in the Alternatives section of the FEIR (e.g., Sycamore site off of State Route 166) but did not rank as high as the redesigned project at the existing site. No changes to the FEIR are necessary.
LaB-3	This comment states that with elimination of the compost operation the odors from the project are no longer a problem and asks what happens when the compost operation is re-established. The applicant has eliminated the compost operation from the project description and it is not proposed to be re-established. No changes to the FEIR are necessary.
LaB-4	This comment raises concerns over groundwater use and surface water runoff. Groundwater use, with elimination of the compost operation, is proposed to increase 0.9 acre feet per year. The compost operation utilized a substantial portion of the Landfill's annual water budget. Groundwater supply issues are now considered insignificant. Surface water issues are continually monitored by the RWQCB, and will be by the County as well if the proposed project is approved. Regulations require the applicant to submit a Report of Waste Discharge/Joint Technical Document to the RWQCB prior to initiating the proposed project. The applicant will also be required to update their Stormwater Pollution Prevention Program (SWPPP) and enroll in the General Construction Stormwater Permit and develop a SWPPP specifically for construction activities related to the proposed project. No changes to the FEIR are necessary.
LaB-5	This comment states the consequences of the Landfill are unfair to the neighbors and that it is frustrating the neighbor's complaints are not mitigated. The EIR attempts to mitigate to the greatest extent feasible environmental issues that may be considered part of the referenced consequences (please also refer to Section XI.E, Quality of Life). The EIR recommends that an applicant-funded, county-hired Environmental Monitor coordinate condition compliance at the Landfill to better respond to non-compliance issues.

Mr. John McKensie
 County Of San Luis Obispo
 Dept. Of Planning & Building
 County Govt. Center, Room 200
 San Luis Obispo, CA 93408

SLO CNTY
 PLANNING/BUILDING
 DEPT

2011 JUL 11 PM 1:26

July 10, 2011

Subject: CCL RDEIR Comments

Dear Sir,

My family & those of my son's family comments concerning the environmental Water, Noise, and Odor Impacts in connection with the Recirculated CCL EIR are being covered by separate letters.

I would like to address several other issues in this letter.

- | | | |
|--|--|------|
| Drainage Control | <ul style="list-style-type: none"> - our property has received contaminated water and large quantities of sand/silt from uncontrolled storm water runoff from CCL. - until the spring 2011 storms, I have not been aware of any monitoring of CCL surface water discharges for quality and sand/silt onto my property and into the creek. - I don't see where the RDEIR has addressed this issue. | PC-1 |
| Vector Control- | <ul style="list-style-type: none"> - I have noticed that seagulls have returned to my neighbors property the last week or two. - Several years ago they were a very serious problem for our properties. I do not know what current control measures have changed but something surely has and should be addressed in the RDEIR. | PC-2 |
| Litter Control/Fugitive Trash | <ul style="list-style-type: none"> - I have personally observed escaping trash from CCL trucks littering the roads going to the landfill. - The mitigation measure of one week to pick up roadside trash/litter after someone makes a call seems inadequate. - The mitigation measure of providing trash pick-up every second month on neighboring properties after first requesting a pick-up would not work for me. If I did not remove the trash myself, it could lay there for 4 months if I missed the first bi-monthly pre-notice request requirement | PC-3 |
| Highway Noise- | <ul style="list-style-type: none"> - This has not been a major concern for me. But I would like to mention that the noise from flapping tarps a lot of times is greater than noise from a passing truck. | PC-4 |
| Visual Impacts | <ul style="list-style-type: none"> - Secondary Impact under HAZ/mm-2 pg V-187 says that visual resources mitigation previously proposed to screen the Landfill and activities as seen from highway 227 would also provide some screening for the fences. No additional mitigation is required. - this may be true as far as the fencing is concerned but it is totaling inadequate for the remainder of the Landfill and their activities. - The dominant impact I see is that the past & proposed expansions have literally screened my view of the beautiful Edna Valley rural area. It has swallowed us up, put us into a bag, and we can not see out. | PC-5 |
| <p>The final and most imperative issue is simply this- The San Luis Obispo County Government and CCL have effectively seized our use & comfortable enjoyment of our property without any form of relief or compensation.</p> | | PC-6 |

Sincerely submitted for your consideration of our comments,


 Pat/Lynette Clements



Mr. John McKensie
County Of San Luis Obispo
Dept. Of Planning & Building
County Govt. Center, Room 200
San Luis Obispo, CA 93408

July 10, 2011

Subject: CCL RDEIR Comments

Dear Sir,

The following are my comments concerning the environmental impacts in connection with the proposed CCL proposal.

Water Resources

The DEIR significantly overstated the ground water recharge rate. The RDEIR indicates that ground water demand could exceed potential by 129%.

Mitigation Measures in the RDEIR have not adequately addressed this issue. Measures should be established to address each & every one of the "Bullet Points" of item 3. Thresholds Of Significance on pg V-241.

In addition, We propose specific mitigation measures be included to:

1. limit ground water production on-site to a level that can be sustained without interfering with other off-site wells.
2. specify that Imported Water should be from sites beyond the local ground water basin.

PC-7

Water Quality

The Water Quality monitoring measures in the RDEIR are deficient to ensure safe water and timely communication of any unsafe conditions to the local neighbors.

The second paragraph of item h. Regional Water Quality pg V-234 indicates that water quality in wells within a one-mile radius of the Landfill has not changed significantly since Landfill operations began. How can this be a known fact? We have lived here for 20+ years and are not aware of any test CCL has done on our well for water quality.

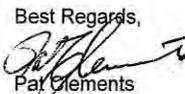
Paragraph k. Pg V-237 indicates monitoring wells be sampled and analyzed on a quarterly or semi-annual basis.

Water Quality is a significant concern to us and monitoring is surely justified on a more frequent basis.

PC-8

Your review of these matters that affect our lives and incorporation of corrective measures into the EIR is appreciated.

Best Regards,


Pat Clements


Lynette Clements


Jere Clements


Connie Clements

Mr. John McKensie
 County Of San Luis Obispo
 Dept. Of Planning & Building
 County Govt. Center, Room 200
 San Luis Obispo, CA 93408

July 10, 2011

Subject: CCL RDEIR Comments

Dear Sir,

The following are my comments concerning the environmental impacts in connection with the proposed CCL proposal.

Noise

The RDEIR has made reference to Cold Canyon Landfill being a construction site- HOW TRUE THAT IS. A NEVER ENDING CONSTRUCTION SITE with all the associated adverse impacts to a rural residential neighborhood.

PC-9

SLO CO Noise Element Policy (pg V-196) points out that New Development and Stationary Noise Sources may be permitted **only where location or design allow the development to meet standards for existing stationary noise sources.** Similarity for New or Modified Noise Sources.

Noise Barrier Contingency Plan (Mitigation Measure NS/MM-3 pg V-205) is totally unrealistic for my property. Simply view the location of our residences & activity areas compared to the proposed location & height of the modules.

PC-10

Our "outdoor activity area" is extensive compared to a city backyard. It consists of multiply acres of pasture, gardens, barns, fences, etc that we habitually use and maintain daily. To repeat, we are outside & about it daily. Its no "weekly mow the lawn and the have a BBQ" activity. Its 6 1/4 days a week outside job taking care of our livestock and property

Measures to eliminate &/or reduce the dBA of the noise source should be mandated. One source of excessive noise that can readily be eliminated is to line the metal dump bins with a sound absorbing material. Currently, they are dumping massive pieces of concrete, steel, iron into metal bins. On a good day you can hear them throughout the day. At other times, the weight & type of the objects being dropped sound and feel like an explosion. The noise/vibration is unsettling.

PC-11

The County would not accept similar noise levels in other neighborhoods. It seems unreasonable to accept them as unavoidable at CCL.

IT seems that Noise Barriers specified in NS/mm-3 are not being considered for the CCL boundary to our property and if so, would not work. The measure to make a one-time payment up to the undetermined cost of an ineffective barrier, does not appear to meet the requirement of **NOISE ELEMENT, SECTION 4.14** pg V-196,197.

PC-12

Minimal monetary consideration for the Noise Nuisance that interferes with the comfortable enjoyment of life & property to ourselves and our descendants coupled with the loss of property value growth would be indecent and offensive as well as confiscatory.

Yes, I would consider the abatement of Real & Personal Property Taxes for the active life of the Landfill as a possible mitigating measure. Perhaps you may think this excessive.

Just remember you have classified it as a **significant and unavoidable impact (Class I).** If the project proposal is truly necessary as presently defined for the good of the county, it is a small price to consider for those neighbors that can not move to get away from the adverse affects.

PC-13

Thank You for your consideration of these comments.


 Pat Clements Lynette Clements Jere Clements Connie Clements

Mr. John McKensie
County Of San Luis Obispo
Dept. Of Planning & Building
County Govt. Center, Room 200
San Luis Obispo, CA 93408

July 10, 2011

Subject: CCL RDEIR Comments

Dear Sir,

The following are my comments concerning the environmental impacts in connection with the proposed CCL proposal.

ODORS

Haz/mm13 RDIR pg V-199

Subject paragraph reads in part- the applicant **shall enclose the facility and/or implement an alternative composting technology, such as anerobic digestion(AD).**

It has been established that (AD) could lead to objectionable odors. This fact in conjunction with CalRecycle's definition of an odor being a nuisance at a solid waste facility that:

- a. is injurious to human health.
- b. is indecent or offensive to the senses.
- c. interferes with the comfortable enjoyment of life or property.
- d. affects the entire community, neighborhood, or any considerable number of persons.

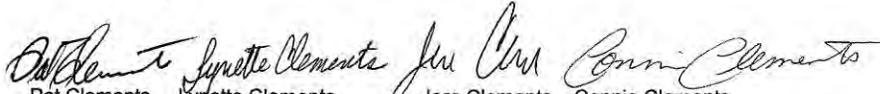
We propose that a defined time limit be imposed to cease CO if applicant has not reduced odors and wind blown particals to an insignificant level.

Our health and enjoyemny of life or property must not be violated.

The CO can & should be moved to a more feasible location **if CCL can not meet HEALTH & NUISANCE STANDARDS** at the Cold Canyon Location.

IF they can meet Standards, WE would not be against it.

Thank You for your consideration of these comments,


 Pat Clements Lynette Clements Jere Clements Connie Clements

PC-14

PC-15

**Response to Letter from Pat and Lynette Clements,
dated July 10, 2011**

Comment No.	Response
PC-1	This comment states that the commenter's property has received contaminated water and sediment from the Landfill site and that the EIR does not appear to address surface water monitoring. Mitigation measure GEO/mm-2 requires the applicant to prepare a sedimentation and erosion control plan. The Water Resources section notes that the applicant will be required to update both their WDRs and SWPPP prior to implementing the proposed project. These measures address erosion, sedimentation and surface water quality. No changes to the FEIR are necessary.
PC-2	This comment notes that seagulls have returned and request clarification in terms of what the REIR does to address this issue. The FEIR notes that a persistent gull population exists at the Landfill. It also requires the Landfill to control the gull population through use of falcons/hawks, whistles, and/or other methods as necessary. No changes to the FEIR are necessary.
PC-3	This comment outlines the observed fugitive trash issue and dissatisfaction with recommended litter control mitigation measures. Mitigation measure HAZ/mm-1 requires the Landfill to implement a more comprehensive litter control plan and formalizes a fugitive trash clean-up process. The goal of the plan is to limit the amount of fugitive trash leaving the site. The clean-up program is a back-up measure. Clean-up measures include a bi-monthly scheduled property clean-up and a clean-up program to address truck-operator-based trash within five miles of the Landfill. However, even with implementation of such measures, litter impacts would remain significant and unavoidable. No changes to the FEIR are necessary.
PC-4	This comment notes the high level of noise produced by flapping tarps on trucks traveling to the Landfill. The noise measurements taken adjacent to the highway would have included noises made from flapping tarps. No changes to the FEIR are necessary.
PC-5	This comment states that views, as seen from the commenter's property, have been lost. The County of San Luis Obispo does not regulate/protect private viewsheds. The analysis of potential visual impacts considers views from public spaces (i.e., roads, parks, etc.). No changes to the FEIR are necessary.
PC-6	This comment states the County has seized the commenter's use and comfortable enjoyment of their property without compensation. The term "comfortable enjoyment of our property" is subjective and is not required to be evaluated in an EIR per CEQA guidelines (please refer to Section XI.E and F above). However, the EIR does conclude that the proposed project would result in significant unavoidable environmental impacts to aesthetic resources and noise, among other environmental issue areas. No changes to the FEIR are necessary.
PC-7	This comment states mitigation measures in the REIR do not adequately address the potential for the project to exceed groundwater capacity and that measures should be adopted which prevent interference with neighboring wells and that any water imported should be from a location outside of the groundwater basin. Subsequent to circulation of the 2011 REIR and the commenter's submission of this comment, the applicant eliminated the open windrow compost operation from their project description, thereby eliminating the most intensive groundwater use component of the proposed project. As it currently stands, the proposed project would require a quantity of groundwater that is well within its capacity to produce on the project site without causing interference with neighboring wells or result in the need to import water from off-site. The FEIR has been revised to reflect these changes to the Project Description and to the Water Resources

Comment No.	Response
	section.
PC-8	This comment states that water quality monitoring measures in the EIR are inadequate. The groundwater quality monitoring program uses wells both “upstream” and “downstream” of the Landfill and notes changes in the water quality to determine whether or not the groundwater has been affected by the Landfill. Using that approach, it is not necessary to test every well. The Landfill has been in operation for more than 40 years. The County is not aware of any data, other than that included in the EIR, which states groundwater contamination caused by the Landfill has occurred in the area. The monitoring program is established by State requirements. There is no evidence that a more frequent monitoring program is required. No changes to the FEIR are necessary.
PC-9	This comment states that the Landfill is a construction site and that per the Noise Element development is limited only to those uses that meet noise standards. The EIR concludes that the proposed project would exceed stationary noise thresholds. The Planning Commission and/or the Board of Supervisors will be responsible for determining whether or not the proposed project is consistent with this policy. No changes to the FEIR are necessary.
PC-10	This comment states that NS/mm-3 is totally unrealistic due to the location of the outdoor activity area compared to proposed module heights and also due to the extensive size of the commenter’s outdoor activity area. Other commenters on the 2011 DEIR have expressed issues with NS/mm-3 which include, but are not limited to, the following: the measure is not appropriate per CEQA; the measure is unworkable; payment of a fee does not constitute mitigation; and, feasibility of the measure is speculative. County staff recognizes that there may be challenges associated with implementation of NS/mm-3 but also recognizes that feasibility of implementing the measure cannot be completely eliminated. The County is required, per CEQA Statute 21002 and Guidelines Section 15126.4(a)(1), to recommend such a mitigation measure because NS/mm-3 attempts to reduce a Class I Impact (i.e., significant unavoidable and adverse) and has the potential to reduce impacts. The County Monitor (recommended per AES/mm-2) would track the applicant’s compliance with this measure. The fee payment component of NS/mm-3 (option 3) requiring the applicant to make a one-time payment to the property owner of the affected residence is intended to be consistent with Noise Element, Chapter 4, Implementation Measure 4.14(f) and to provide the owner of the residence with money to implement noise mitigation on their own accord. County staff has recommended that NS/mm-3 remain as part of the FEIR.
PC-11	This comment states that measures to reduce noise should be mandated and suggests some solutions to noise sources such as metal bins being lined with a sound absorbing material. NS/mm-8 has been modified and recommends that lined containers be used in the RRP to the extent feasible and all other applicable and potentially feasible measures have been recommended to reduce impacts to the greatest degree possible.
PC-12	This comment outlines a number of other issues associated with the feasibility of NS/mm-3 (similar to comment PLC-10). Please refer to response to PLC-10 above.
PC-13	This comment states that the commenter would consider the abatement of Real & Personal Property Taxes for the active life of the Landfill as a possible mitigation measure. This is not a measure that is considered feasible and will not be added to the FEIR.
PC-14	This comment takes issue with former mitigation measure HAZ/mm-13 which recommended that if the former compost operation was re-established and resulted in odors, the applicant would

Comment No.	Response
	consider an anaerobic digestion facility. The comment also suggests that a timeline be set for the compost operation should it be re-established. As noted in previous comments, the compost operation has been eliminated from the project description and the FEIR. Therefore HAZ/mm-13 has been stricken and there is no need to place a time limit on the compost operation should one be re-established in the future. No changes to the FEIR are necessary.
PC-15	This comment states the compost operation should be moved to a more feasible location if health and nuisance standards cannot be met. As stated in the previous comment, the compost operation has been eliminated. This comment is no longer applicable.



COUNTY OF SAN LUIS OBISPO
PLANNING AND BUILDING DEPARTMENT

Comment Form – Recirculated Draft EIR

Proposed Cold Canyon Landfill Expansion Project (DRC2005-00170)

Date: 7/10/11
 Name*: Natalie Risner
 Affiliation (if any)*: _____
 Address*: 125 Tolosa Place
 City, State, Zip Code*: San Luis Obispo, CA 93401
 Telephone Number*: 805-441-0811
 Email*: Natalie811@aol.com

Comment: _____

See attached page.

Signature

**Please print. Your name and address are needed so we can send you our responses to your comments. All information provided on this form become public information and may be posted on our website, or released to interested parties if requested.*

Please either deposit this sheet with a County representative at today's meeting, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by July 11, 2011. Comments may also be faxed to (805) 788-2413 or emailed to jdmckenzie@co.slo.ca.us.

NATALIE RISNER COMMENTS FOR RECIRCULATED DRAFT EIR

I would like to first state that if a company were seeking a permit for a landfill on another property in our same "neighborhood" would it even be an option in your mind? Say someone wanted to have a landfill over on Corbett Canyon Road with similar residential population density as we have on Carpenter Canyon would the county even entertain the idea for a moment? I think not. So that being said how it is okay to be working to approve this type of business on our street? Just because the landfill has been here for so many years what makes it a good idea to keep it here and just make a bigger dump in the middle of Edna Valley? One that can now be seen from Biddle Ranch Road the heart of our wine country....

NR-1

I am here to say that the noise the dump now puts off its property is unacceptable and it is only going to get worse with the new permit to expand. I have lived at this same property my entire life and twenty years ago you couldn't hear the dump and now I can hear it inside my house and when I walk outside during their hours of operation the noise is unavoidable. There are very loud bulldozers and beepers going most of the day. It feels as if we are living at a construction site on a daily basis. This must be mitigated and it must be done now as the problem is happening now and will only get worse. Please do not entertain the idea of allowing there hours of operation to expand as the neighbors should have some quiet time during the day. The noise from the dumping and filling of the landfill is very loud for our property as the hill gets larger and the trucks get higher up in the air the louder it gets.

NR-2

I am also very concerned about odor coming from the landfill and the health risks that come with that. Please don't make us the sacrifice of the community the reality of everyday dealing with these issues are very real to us.

NR-3

**Response to Comments from Natalie Risner,
dated July 10, 2011**

Comment No.	Response
NR-1	This comment asks whether a new permit would be issued for a new project in this same area, but on another property. It is likely that a permit for a new Landfill on another property in the same neighborhood would also require an EIR and result in significant, unavoidable impacts and generate substantial public controversy. Whether a permit would be issued is a difficult question to answer that would involve a great deal of speculation on difficult to discern externalities such as the political will of County decision making bodies, the need for such a facility, etc. It is not the role of an EIR to address such questions. No changes to the FEIR are necessary.
NR-2	This comment states the noise generated by the Landfill is unacceptable and is only going to get worse with the proposed project and asks that noise be mitigated. The revised and recirculated Section V.I., Noise, of the Final EIR notes that existing noise levels and potential future noise levels would potentially exceed thresholds at the southeastern and southwestern property line. The EIR also concludes that due to the topography and proximity of the heavy equipment to the property lines. The EIR recommends all feasible mitigation measures aimed at reducing noise; however, it is infeasible to mitigate noise impacts to below County Noise Element standards. A Statement of Overriding Considerations will need to be prepared and the County decision-making bodies will need to consider whether the benefits of the proposed project outweigh the significant unavoidable adverse impacts that will result from the project. No changes to the FEIR are necessary.
NR-3	This comment states concern over odor and health risks associated with the Landfill. Revised Section V.H., Hazards and Hazardous Materials evaluates odors. Health risks were evaluated in relation to the open windrow compost operation; however, since the compost operation has been eliminated from the project description, this section is no longer applicable. Even with elimination of compost operation and its associated odors, other odors associated with the Landfill are considered significant and unavoidable. Throughout the EIR process, the County has considered the potential impacts of the proposed project very seriously as well as the issues raised by the neighbors. It has recommended numerous mitigation measures to address these impacts, including potential impacts to public health. No changes to the FEIR are necessary.



COUNTY OF SAN LUIS OBISPO
PLANNING AND BUILDING DEPARTMENT

Comment Form – Recirculated Draft EIR

Proposed Cold Canyon Landfill Expansion Project (DRC2005-00170)

Date: 7/10/11
 Name*: ~~XXXXXXXXXX~~ Risner, Tobin
 Affiliation (if any):* _____
 Address:* 125 Tolosa Place
 City, State, Zip Code:* San Luis Obispo, CA 93401
 Telephone Number:* 805-801-5144
 Email:* tobin@keepingthebooks.net

Comment: _____

See attached page.

Signature _____

**Please print. Your name and address are needed so we can send you our responses to your comments. All information provided on this form become public information and may be posted on our website, or released to interested parties if requested.*

Please either deposit this sheet with a County representative at today's meeting, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by July 11, 2011. Comments may also be faxed to (805) 788-2413 or emailed to jdmckenzie@co.slo.ca.us.

125 Tolosa Place
San Luis Obispo, CA 93401

Phone: (805) 801-5144
Fax: (805) 299-1830
E-Mail:
Tobin@keepingthebooks.net

Tobin Risner

RE: Proposed Cold Canyon Landfill Expansion Project (DRC2005-00170)

To Whom it May Concern,

My wife & I have recently bought into the "family ranch" on Tolosa Place, located about 300 yards North of the entrance to Cold Canyon Landfill on the opposite side of Hwy 227. Our doing so was part of the "Big Plan" to keep the beautiful property we live on in our family for our generation and hopefully generations to come. My wife Natalie was born and raised on this land, and I have been here for 9 years. We are in love with "most" aspects of our lives on this land. I say "most" because of the current noise levels and odors emanating from the Cold Canyon landfill are very unpleasant, not to mention the uncertainty surrounding any potential health hazards resulting from our proximity to the landfill. I worry about this constantly, and I fear the future noise, air, and water pollution levels that my family and our neighbors will be facing if the landfill is granted the right to expand it operation beyond it current levels.

TR-1

All we want is to raise our children in a like manner that which my wife was raised. Our only opportunity to do so is the situation we are in with this family ranch which requires everyone's cooperation to keep the property maintained.

TR-2

One thing I have noticed in my 9 years out here is that the common perception of the folks who live out here is that we are wealthy. Most people just assume we have a small vineyard, or they try to advise that we do so...since we have all this money, right? This is not the case, we are quite simple out here with no revenue being generated by our land and we are just trying to get by like everyone else. We go to work in the morning and come home in the afternoon...thankfully we don't have to listen to the dump all day 7 days a week. However, we hear it every morning and smell it quite often...it ruins the outdoor experience. I would imagine the noise and the smell are no more harmful than the experience itself, but I sure hope the various pollutions created by the landfill do not pose a health risk to my children out here.

TR-3

I recognize that the landfill has provided a great service to our community as a whole over the recent decades, and that you planners are facing some difficult decisions. I ask that you please consider our families and our existing daily struggles with the Cold Canyon Landfill, and rather than sentencing us to a future of an ever worsening quality if life, please let us off with time served.

TR-4

Respectfully,



Tobin Risner

**Response to Letter from Tobin Risner,
dated July 10, 2011**

Comment No.	Response
TR-1	This comment outlines the commenter's living situation on their property next to the Landfill project site and concerns over odors, noise, and water and air pollution associated with the proposed expansion. The EIR does conclude that the proposed project would result in noise and odor impacts that are significant and unavoidable. The Planning Commission and/or the County Board of Supervisors will utilize this information to decide whether or not the project should be approved. No changes to the FEIR are necessary.
TR-2	This comment states that the commenter's goal is to raise his children in a healthy manner. Given the nature of this comment a response is not warranted (please refer to Section XI.E, Quality of Life). No changes to the FEIR are necessary.
TR-3	This comment states that the neighboring Landfill ruins the outdoor experience due to noise, odor, and other pollutants that result from the operation. Based on the information in the EIR potential health effects on neighboring properties are less than significant. There is no evidence to suggest that children's health is or would be affected by the Landfill. The EIR does conclude that the proposed project would result in noise and odor impacts that are significant and unavoidable. No changes to the FEIR are necessary.
TR-4	This comment requests that, even though the Landfill provides a great service to the community, that the neighbors be given a reprieve from an ever-worsening quality of life. Given the nature of this comment a response is not warranted (please refer to Section XI.E, Quality of Life). The Planning Commission and/or the County Board of Supervisors decide whether or not the project should be approved. No changes to the FEIR are necessary.

1810 Carpenter Canyon Road
San Luis Obispo, CA. 93401

July 11, 2011

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: Cold Canyon Landfill Proposed Expansion Recirculated Draft EIR

Dear Mr. McKenzie:

Thank you for the work you and the drafters have begun. This Recirculated Draft EIR (RDEIR) is an improvement on correcting the outstanding erroneous data related to Cold Canyon Landfill's Proposed Expansion Draft EIR.

Below you will find my outline of concerns, suggestions and RDEIR errors, which I believe have not been addressed and/or calculated correctly. Please do not rush to pass this new permit proposal without fully addressing, understanding, and mitigating all areas that are and will continue to impact this community living near the landfill. We do not want to find ourselves at this junction again to only hear that the County is informing us that they do know how to manage, monitor and/or enforce county code conditions such as the current violations related to noise. I find it unbelievable and amazing that the County now says how enlightened they are by this process and have come to the realization that they don't have the ability and knowledge to enforce the many current permit conditions. If you lack the expertise or are inept; then perhaps you should consider hiring an expert in this field to meet your obligation, which is to enforce all the approved permit conditions. How did the past CCL permits and EIR get approved with no County authority experts being equipped to put in force what was promised to this community? The purpose of the CEQA and permit process is to protect the community's health, safety and well being. It is not a rubber stamp for approval. This agreement is the promise made to this community, so I ask you again to please fully address ALL the impacts related to this new permit request.

At the Revocation hearing (Nov 4, 2010) CCL made their stance very clear when Mr. Martin stated, "They feel they provide an essential public service and should be allowed to generate odors". That statement makes it very clear why CCL behaves the way they do. They believe because they are "an essential public service" for the County - this gives them the authority and power to pick and choose the permit/s conditions and mitigated measures to abide by or to ignore. At the hearing Mr. Martin tried to coerce and threaten the County Planning Commissioners – basically stating that if the County didn't support and allow CCL to generate odors then CCL won't start up their composting operation. CCL's attempt to intimidate the County and continuously endangering this community for their own

SBB-Intro

profit, is criminal. What makes the County believe CCL’s dominant behavior will change with a new permit? What will the County do when CCL continues to receive numerous violations for any or all of their operations? What will the County do if CCL decides to shut down the landfill as they did with their CO? The County is putting our entire SLO community at risk because of their vulnerability for not having another plan outlined if this one fails. The County must outline an alternative plan for another location, even if it is to contract with another Company at a different location or develop their own regional County Public Facility.

SBB-Intro
(cont’d)

#1 I. INTRODUCTION / 2. Compost Operation Review and Revocation Process, pg I-1, Appendix J and III project Description pg III-16:

SBB-1

#1 - Q1 – Cold Canyon Landfill’s (CCL) demands at the revocation hearing has been omitted from the RDEIR. Why?

If you review the County’s Revocation Hearing video tape, which is missing from the RDEIR: time stamp of 0:53:50 - Mr. Martin’s testimony clearly says they have suspended the compost operation because Cal Recycle is using an enforcement of zero tolerance threshold at the property line. CCL demanded that there should not be a zero tolerance level for odor complaints. CCL feels they provide an essential public service and should be allowed to generate odor.

#1 - Q2 – Why has the State (Cal Recycle) Mr. Hackett’s comments at the revocation hearing been omitted from the RDEIR?

SBB-2

If you view the County’s Revocation Hearing video tape, which is missing from the RDEIR: time stamp of 04:49:00 – Mr. Hackett (Cal Recycle) had to stand up to defend the truth and clarify that the State’s OIMP is to implement reasonable and feasible steps have been taken. The State said they believe CCL is not at a reasonable and feasible step. The State (Cal Recycle) has no Zero tolerance threshold policy.

#1 - Q3 – Why wasn’t Mr. Martin’s deliberate, willful giving of false and misleading testimony of a “Zero Tolerance Threshold” documented with the rest of the Compost Operation Review and Revocation Process section? Mr. Martin was under oath and clearly stated that Cal Recycle is enforcing a zero tolerance threshold at the property line, knowing there is no such policy in place.

SBB-3

Mr. Martin’s testimony is just another example of the Applicant’s (CCL) willingness to make up, misrepresent and/or create a non-reality situation. Many of CCL’s efforts have been an attempt to discredit the community and other enforcement agencies.

#1 – Comment: There is also no mention of the comments and handouts from the public who came and spoke at the revocation hearing. All handouts and comments should be documented and included in Appendix J.

SBB-4

#2 Appendix J B. PROJECT DESCRIPTION AND PERMIT HISTORY Pg 3

SBB-5

As of September 2010 CCL is using greenwaste as 'alternative daily cover' (ADC) for the working face of the landfill.

In this same month of September 2010; Applicant (CCL) received another violation however this was for inadequate coverage, which the Applicant had just been approved on. This just shows that the Applicant's inability to manage their daily coverage processes causing another violation to the County's conditions of approval for this operation.

Appendix J Pg 3 -62

CaRecycle
Disposal Facility Inspection Report (52)

Enforcement Agency:		CalRecycle Enforcement Agency			
SWIS Facility File Number (99-xx-9999)		Inspection Date		Program Code	
40-AA-0004		9/22/2010		CalRecycle Enforcement Agency	
Time In	06:40	Time Out	08:15	Inspection Time	1.5 HR
Facility Name			Received By		
Cold Canyon Landfill Solid Waste DS			Cold Canyon Landfill, Inc		
Facility Location			Owner Name		
2268 Carpenter Canyon Road, San Luis Obispo 93401					
Inspector			Also Present (Name)		
Randy Friedlander					

No Violations or Areas of Concern	
V	A Regulations
X	20690 - Alternative Daily Cover
<p>Comments: CalRecycle staff inspected the active face waste cover at 6:40 a.m. on this date. Processed green waste utilized as Alternative Daily Cover was not adequately applied over waste as evidenced by voids, exposed waste, litter, and inconsistent thickness. Some portions of the applied ADC was 18 - 24 inches thick, and less than 6 inches in other areas. Numerous seagulls were observed scavenging waste that was not adequately covered. ADC must be placed over the entire working face at the end of each operating day or at more frequent intervals to control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. Title 27 CCR, 20690 requires processed green material ADC to be restricted to a minimum compacted thickness of 6 inches and average compacted thickness of less than or equal to 12 inches.</p>	

#2 – Comment -1: The Cal Recycle inspector is located in Sacramento (7 hrs away), there should be a **new condition** that requires the Local Enforcement Agent to video tape the closing of the entire working face at the end of each operating day. The video tape will be provided via online uploads to Cal Recycle for inspection review. Applicant (CCL) shall pay and provide the tools for monitoring, including video camera, laptop and software to support this new monitoring process.

#2 – Comment- 2: **new condition** – if Applicant (CCL) receives 3 violations for inadequate coverage within a 3 month time period; Applicant (CCL) shall to pay a fine which the State will determine the fine amount.

SBB-6

#3 I. INTRODUCTION 3. Other Technical Reports / 3. Assessment of Potential Impacts to Public and Worker Health – Public Impacts (Greenberg, 2011). Pg I-2. V.H. Hazards and Hazardous Materials and Appendix I

#3 – Comment 1: The Health Assessment was not complete. I provided a letter to Dr Greenberg’s associate dated August 24, 2010. (Attachment A) This letter requested that the adverse effects on health due to nuisance (smell, noise, litter, effect on property values, stress for lack of regulatory response etc) be considered in his report too. **The Waste Management process is an increasingly complex matter which the County is unable to understand due to their lack of knowledge in this field.**

SBB-7

Even the World Health Organization (WHO) has made statements for concern in regards to Waste Management and the effects on the health and well-being of human exposure to both waste materials and to the products of waste management.

#3 – Comment 2: The Health Assessment failed to provide a formal study on the health effects of waste landfills and the fact it lacks the direct exposure measurement, and should not rely on residential distance from the site. **The County must complete a scientific analysis on the health effects associated between human exposure of residing near a landfill site and the adverse health effects.** Applicant (CCL) shall fund this study.

SBB-8

#3 – Comment 3: Do not reverse - 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.... **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!**

SBB-9

#3 – Comment 4: Applicant shall not spread wastewater grit at the active landfill face. They must bury it complete away from public access. If this process or procedure standard is not followed applicant is fined \$5000.00 per incident. This is a public and employee health issue that is currently being ignored.

SBB-10

#4 I. INTRODUCTION B. Alternative Composting Technologies pgl-3

#4 – Comment 1: Which is it - Aerated Static Pile (ASP) composting and Anaerobic Digestion (AD)?

SBB-11

#4 – Comment 2: new condition Do not allow and approve wastewater treatment plant sludge for any type of composting operation that includes ASP or AD.

SBB-12

#4 – Comment 3: 3rd Paragraph “This EIR does not necessarily include enough information to approve the use of these alternative technologies.” The statement should read “The County Department of Planning and Building will require an environmental review o any of the Compost technology being potentially considered. The EIR process will ensure there will be no negative visual impacts, odors and noise violations.

SBB-13

#4 – Comment 4: new condition - The Applicant (CCL) shall not locate the Composting Operation at the top of the current landfill top location. Eliminate this top area/location as an option for any future

SBB-14

Composting Operation. This RDEIR should support the past permit/s goals of the decision makers, which approved past conditions to protect the view areas, or viewsheds of this community.

**SBB-14
(cont'd)**

#4 – Comment 5: Why is Staff proposing a project that goes against The SLO General Plan? The SLO General Plan states that our County Scenic Corridors as – “Scenic corridors are view areas, or viewsheds” from popular public roads and highways that have unique or outstanding scenic qualities. Inappropriate development or billboards can intrude upon these viewsheds. Some examples are highly visible graded roads and pads, buildings that are too close to a highway, and building designs that silhouette against the skyline, telecommunications facilities, utilities, signage, and other structures that dominate rather than blend with a natural landscape. Scenic highways and roads are scenic corridors that are designated to **conserve** and enhance their scenic beauty.”

SBB-15

#5 I. INTRODUCTION C. PURPOSE OF THE RECIRCULATED DRAFT EIR pgl-3

#5 – Comment 1: A copy of the Applicant’s request to modify the project description should be provided in the RDEIR and Final EIR.

SBB-16

#6 I. INTRODUCTION D. Last paragraph page I-5 and V.H. Hazards and Hazardous Materials

In addition to incorporating all of the responses to comments from the 2009 Draft EIR and this 2011 RDEIR, the Final EIR will include some other changes. For example, in the 2009 Draft EIR, odors were considered in the Air Quality section. In the 2011 RDEIR they are considered in the Hazards and Hazardous Materials section. The text of the Air Quality section will, therefore, need to be amended accordingly.

SBB-17

#6 – Comment 1: The Air Quality section must also be amended to address the contributing factor of high particulate matter (PM) which is observed by the daily dust disturbance coming from CCL’s operational activities. (see Attachment B; Pic A, B & D): This continuous dust disturbance causes the air surrounding CCL to look hazy on most days. **new condition** – Applicant shall provide APCD funding to monitor the levels of dust particulate matter.

SBB-18

#6 – Comment 2: **new condition** - APCD must start conducting air studies at CCL now, so future decisions can be based on valid monitoring data.

SBB-19

#6 – Comment 3: **new condition** - If the air study identifies that the Applicant’s (CCL) operational activities are the cause of unsafe levels of sand emissions, impacting the health and safety of the neighborhood; the project/operation must be limited to reduce the emissions. **new condition** - If the reduction of the operational activities and/or new mitigated measures don’t reduce the unsafe levels of emissions, the operation will have to move to a new location.

SBB-20

#7 III. PROJECT DESCRIPTION / A. PROJECT SUMMARY

First sentence: “The proposed project involves an expansion of the existing Cold Canyon Landfill (Landfill), located in San Luis Obispo County, California.”

SBB-21

#7 – Comment 1: The applicant’s propose project is not an expansion of the existing landfill. The 1991 permit has a set life. The proposed project is a new permit for this location. Even the decision makers back in 1991 requested a new site to be determined, they must have known that this location and the

access roads were unable to handle the massive increase of waste tonnage, noise, air pollution, litter, and traffic which normally follows such an enormous project request.	SBB-21
#7 – Comment 2: This is not extending the current landfill’s life. If the rural property south of the existing landfill is to be approved for this new project the Landfill’s clock starts all over.	SBB-22
#7 – Comment 3: Once the current landfill life span ends, the proposed project is <u>inconsistent</u> with the character of Edna Valley’s immediate neighborhood and residential rural community.(see AttachmentB):	SBB-23
#8 III. PROJECT DESCRIPTION / B. PROJECT LOCATION	
First sentence: “The proposed project is located at 2268 Carpenter Canyon Road.”	SBB-24
#8 Q1 - What is the address (Weir Property) of the parcel CCL wants to start filling?	
#8 – Comment 1: 2268 Carpenter Canyon Road is the Current Landfill address. The 1991 permit Condition for approval - Postclosure End Use - B-35 states that this location will be designated as open space:	SBB-25
<u>Postclosure End Use</u>	
B-35. The postclosure end use of the project site is designated as open space, non-irrigated grazing land as such a designation is required by Title 14 of the California Code of Regulations, Section 17796 et. seq.	
#8 – Comment 2: When the applicant/operator signed the 1991 permit they agreed to the B-35 condition to the development of this location as open space. To be graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.	SBB-26
#8 – Comment 3: In 1991 the County also made the promise and commitment to the community when the had also agreed to the B-35 condition. Designating this area as open space supports the County’s General Plan, Conservation and Open Space Element (COSE or Element). County members and staff were wise in 1991 and had agreed that it was vital to designate this area as open space to preserve, renew, protect and conserve our Edna Valley natural resources.	SBB-27
#8 – Comment 4: The County’s General Plan, Conservation and Open Space Element: TABLE VR-2 SUGGESTED Several Scenic Corridors: Highway 227 from Price Canyon Road to Arroyo Grande City Limits is included in this list. The closure condition of B-35 is consistent with the direction of the decision makers made back in 1991 and the current Conservation and Open Space Element, General Plan.	SBB-28
#8 – Comment 5: What is the definition of semi-rural? This area does not consisting of 1-acre lots with custom homes.	SBB-29
#8 – Comment 6: RDEIR states: “The actively producing Price Canyon Oilfield is located approximately one mile to the west and the Pacific Ocean is approximately four miles west.” Just one more reason way the Carpenter canyon location is wrong. The proposed project should move next to the Oilfield; not next to Edna Valley’s wetlands.	SBB-30

#9 III. PROJECT DESCRIPTION / C. PROJECT BACKGROUND

Location of transportation infrastructure and Landfill service area. And Pg V-197 V.I. Noise – b.

Transportation Noise Sources:

#9 – Comment 1: The proposed location has only one way in and out which is Hwy 227. This is a small two lane Hwy, it is very curvy and the climb that the traffic must make traveling south from the landfill towards Arroyo Grande (or to Noyes road) is dangerous. The terrain of Hwy 227 has unsafe conditions for large and heavy trucks traveling this route every day. (see Attachment Pic B3 & B4)

SBB-31

#9 – Comment 2: This road was established sometime in the 1890s as a “Wagon Road”, creating an access between Arroyo Grande and San Luis Obispo. It was adopted as a state route in 1933, Legislative Route 147, and remained an unsigned highway until 1964 when the State of California renumbered routes, changing LRN 147 to SR 227. However, except for the new route number, the highway corridor has not changed. It is not maintained to support the heavy traffic, Hwy 101 has the transportation infrastructure in place to handle the amount of traffic this proposed project will generate.

SBB-32

#9 – Comment 3: New condition – Because of the incorrect Traffic data given in the RDEIR and DEIR there needs to be a Traffic Noise study performed. Perform study now with a traffic noise expert. Applicant shall fund the traffic noise study.

SBB-33

#9 – Comment 4: Applicant’s (CCL) proposed project is requesting to increase landfilling from 685 TPD to 2,500 TPD (fyi - more conflicting data – is the proposed daily tonnage 2350 or 2500? Look on Pg III-24 & III-25) I would like to see the calculations used to come up with the total net project Increase of 200 daily trips outlined in (*V.J. Transportation and Circulation- V-220 table TABLE V.J.-4 Expanded Landfill Trip Generation (Average Weekday)*). It’s actually closer to 1400 additional vehicle trips a day not 200.

SBB-34

#9 – Comment 5: The safety of daily commuters, visiting tourists, wildlife, and bicyclists are jeopardized by the increased traffic volume. The number of Commercial haulers for Disposal, RRP, CO and MRF will be regulated. Applicant will enforce the regulated number of commercial haulers allowed to come to the landfill on a daily basis. The Regulated number of vehicles will be determined after the traffic study is complete. This traffic study will be performed by an expert in this field.

SBB-35

#9 – Comment 6: Even the State has signs to advise all Tractor-Semis over 30 feet kingpin to rear axle not to travel the on Hwy 227. (see Attachment C Pic A) These signs are put up for a reason. It does not make sense why San Luis Obispo County Staff would consider approving CCL’s proposed project at a location that would increase the knowing dangers of traveling on Hwy 227. This site location encourages truck drivers to ignore the state advisement.

SBB-36

#9 – Comment 7: New Condition – Garbage trucks must be routed through Price Canyon road when accessing and leaving the landfill. All Trucks hauling to and from the MRF must also use Price Canyon. Applicant is required to direct traffic away from traveling south on Hwy 227. Applicant shall be required to post this permit condition at entrance.

SBB-37

#9 – Comment 8: The neighbors living along Hwy 227 are highly impacted by the traffic noise which a lot of it comes from the waste and recycle haulers (resident and/or commercial). Please listen to this link - The air expulsions from the brakes or hydraulic system is very loud at my house and in my office: <http://www.freesound.org/samplesViewSingle.php?id=18769> (this is a sample of a garbage truck arriving to empty a dumpster) See Attachment C Pic B, B1, B2, B3, B4, B6 & E. **New condition** Applicant is required to fund a traffic noise expert to reduce the traffic noise impacting the neighbors along Hwy 227.

SBB-38

#9 – Comment 9: The amount of emissions that comes from the landfill traffic traveling on Hwy 227 are very visible, it just sits and lingers in the air. The emissions are trapped in the canyon and build up at the corner of Hwy 227 and Noyes road. There is a steep hill to travel up Noyes rd many have to keep their foot on the gas pedal, which causes more emissions to be disbursed in this area. (see Attachment Pic B3 & B4) **New condition** – Applicant (CCL) is required to fund an Air Quality emissions study performed at the corner of Noyes and Hwy 227.

SBB-39

#9 – Comment 10: The corner of Noyes and Hwy 227 should have the truck/traffic emissions captured the entire life of the propose project. The metering will help determine what the emission levels are. It can help determine the impacted dangers to the neighbors who are inhaling these emissions daily. **New condition** - If the amount of emissions prove to be harmful to the neighboring community, the Applicant (CCL) will be required to fund any/all medical treatment related to lung and/or breathing problems.

SBB-40

#9 – Comment 11: RDEIR failed to address the traffic noise, which I brought up in my March 2009 comments. The March 2009 traffic noise comments were also related to the May 2007 Scoping questions 16/20. (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. County must address the traffic and traffic noise issue.

SBB-41

#9 – Comment 12: RDEIR failed to address the traffic issue, which impacts the traffic/transportation noise issues brought up in my March 2009 comments. The March 2009 traffic comments were also related to May 2007 Scoping questions:

SBB-42

- (Questions 20,49, 50 &51) Traffic is a huge issue on 227 and the connecting roads like Noyes.
- 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?

#9 – Comment 13: - I provided the following information to the planning commissioners back in 2009 in regards to Hwy 227 traffic issues - Over the past several years we, our neighbors and the Highway Patrol Department have witnessed countless auto accidents on Highway SR 227. The Highway Patrol can provide the list of accidents reported in this area. However, there are many accidents that have occurred which go unreported. We know this to be true because we often are left to clean up the debris and repair property damage from these accidents.

SBB-43

The traffic accidents for the areas list should be outlined in the RDEIR - Back on October 22, 2009: the following list of Total Collisions related to the primary route 227 and secondary roads was provided to the SLO Planning Commissioners.

**SBB-43
(cont'd)**

RT 227 / Noyes Rd	Oct. 2004 – Oct. 2009	26 Collisions
RT 227 / E.Fork Pismo	April 2002 – Dec. 2007	2 Collisions
RT 227 / Patchett	April 2002 – Dec. 2007	9 Collisions
RT 227 / Cold Canyon Landfill	April 2002 – Dec. 2007	2 Collisions
RT 227 / Tolosa	April 2002 – Dec. 2007	5 Collisions
RT 227 / Corbett Canyon	April 2002 – Dec. 2007	11 Collisions
RT 227 / Price Canyon	April 2002 – Dec. 2007	8 Collisions

#9 – Comment 14- the 2005 SLOCOG Chapter 2 Regional Growth Trends documented on April 6, 2005 - The 2004 SLO Highway Segment Level Of Service map -Prepared by SLO Council of Government. (*Data can be found under the 2025 Regional Transportation Plan of SLO – Prepared by SLO Council of Government.*) Shows Base condition (non peak) on Hwy 227 located closely between Cold Canyon Landfill entrance and Noyes Rd is a **LOS - C**. However – the same stretch of road during peak hours IS a **LOS - D**. *By 2025 this stretch of highway will be a **LOS D** during PEAK and NON PEAK hours.*

SBB-44

#9 – Comment 15: The Traffic Impact Report “LOS Criteria section” page 5 states - mitigation measures would be required if the proposed project reduces operations to a **LOS D or below.** New Conditions must be required - The data shows that hwy 227 during peak hours IS a **LOS – D**. The county must require conditions to mitigate the traffic issues.

SBB-45

#9 – Comment 16: - To measure the highway safety in the county, SLOCOG analyzed Caltrans data on state highway accidents to compare the number and type of accidents occurring to accident rates occurring on similar highways throughout the state. The comparative analysis was performed by tabulating accidents by type (fatal, injury and property damage) and per Million Vehicle Miles (MVM) over three years (2000-2003 and 2003-2006). SLOCOG reported the findings in its *2007 Transportation System Performance Indicators Report* and summarized the following major conclusions about the safety of the state highway system in San Luis Obispo:

SBB-46

- Fourteen highway segments maintain an accident rate higher than the state.
- **The number of segments of Route 227 with an accident rate higher than the state increased from 2 to 4.**
- The number of segments of Highway 101 with an accident rate higher than the state decreased from 3 to 1.

This clearly displays that Hwy 227 traffic problem is getting worse and that Hwy 101 infrastructure is the route that can handle the proposed projects traffic volume.

<p>#9 – Comment 17: The growing wear and tear from oversized and very heavy trucks used for hauling hazardous materials, heavy metals, large volume of composting and large commercial truck traffic is not only increasing the dangers of the road, but the San Luis Obispo tax payers are the ones having to pay the costly maintenance to our Hwy 227 roadway beyond reasonable wear and tear. <u>New Condition</u> - Applicant shall fund all Cal Trans maintenance and repair work for Hwy 227 (from the Airport to Arroyo Grande).</p>	SBB-47
<p>#9 – Comment 18: If the County is recommended to pursue a regional approach then move to the Ontario site which is closer to Hwy 101, which can better serve the access to and from the proposed project. The transportation infrastructure for Hwy 101 can support the growing increase of the Landfill traffic. Hwy 227 is limited and can support the large volume (which is increasing) and the size of the trucks traveling to and from the Landfill every day. (See Attachment C, Pic C & C1: Hwy 227 has areas which are deteriorating. Currently, the State has placed boards and sand bags to help reduce the speed at which the Highway is diminishing.)</p>	SBB-48
<p>#9 – Comment 19: It does not make any sense why San Luis Obispo County Staff would consider approving CCL's proposed project at a location that would increase the danger to the public traveling on Hwy 227.</p>	SBB-49
<p>#9 – Comment 20: The Edna Valley area is a terrible location in regards to supporting the following service areas: 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.</p>	SBB-50
<p>PG III- 2 Some waste from northern Santa Barbara County is also accepted at the Landfill.</p>	
<p>PG III-25 This increase is not expected to result from any changes to the Landfill service area. It is expected that the service area will remain the same, although increased development within the service area will ultimately require increased disposal and recovery capabilities.</p>	
<p>#9 – Comment 21: <u>new condition</u> - Stop taking in waste from Santa Barbara.</p>	SBB-51
<p>#9 – Comment 22: What is the law that is allowing CCL to take in waste from other areas outside the previously listed service areas, instead of refusing the load?</p>	SBB-52
<p>#9 – Comment 23: <u>new condition</u> - CCL proposed project will <u>only</u> be allowed to take in waste from the following service areas: 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. Other landfills such as Calaveras or Alpine County require ID for proof of residency at all facilities (County Ordinance 2510). <u>New condition</u> - If a valid California Driver license does not provide proof of residency, CCL cannot accept load and hauler will be turn away. If Applicant accepts outside debris they shall be fined \$1000.00 for each load accepted.</p>	SBB-53

<p>#9 – Comment 24: Change the following comment “Existing and proposed Daily tonnage increase is <u>not expected</u> to result from any changes in the landfill service area.” How about saying the “Existing and proposed Daily tonnage increase <u>WILL NOT</u> result in any service area changes.”</p>	SBB-54
<p>#10 1. Existing Operations</p> <p>The existing operations at the Landfill can be classified into one of five categories:</p>	SBB-55
<p>#10 – Comment 1: What are “Support Activities”?</p>	
<p>#10 – Comment 2: For the proposed project there should be an Local Enforcement Agent for each of the following areas (Applicant (CCL) is required to fund the LEAs):</p> <ol style="list-style-type: none"> 1) Disposal Area (or, Permanent Disposal Area) 2) Resource Recovery Park 3) Compost Operation 4) Materials Recovery Facility 5) Support Activities 	SBB-56
<p>#11 a. Disposal Area pg III-9</p>	
<p>#11 – Comment 1: Change the configuration of how the landfill constructs the series of modules. <u>new condition</u> - Start building modules from East to West. Instead of filling the landfill from the current mountain out toward Patch Rd – Start at the East side and fill to the west so the community does not have to watch and listen to the applicants daily operations (Monday – Sunday), as we are having to do now. Hide the Landfill’s operation from the public.</p>	SBB-57
<p>#11 – Comment 2: <u>new condition</u> LEA should coordinate with a composite liner expert to oversee the installation of all composite liners being installed for the rest of the project’s life. Applicant (CCL) is required to fund the LEA and composite liner expert.</p>	SBB-58
<p>#11 – Comment 3: Applicant shall provide a plan to protect the County 10, 50 or 100 years from when the liners fail from new toxicants and age or earth movement? Applicant will pay for any and all damages years later.</p>	SBB-59
<p>#11 – Comment 4: <u>new condition</u> Applicant shall not Stockpiled soil that is viable to the public and neighbors properties and homes.</p>	SBB-60
<p>#11 – Comment 5: <u>new condition</u> Applicant shall not Stockpiled concrete that is viable to the public and neighbors properties and homes.</p>	SBB-61
<p>#11 – Comment 6: <u>new condition</u> Applicant shall not use this area as a storage location. They cannot store old or new trucks, equipment of any kind on the top of the landfill. All equipment of any kind including Garbage trucks must be moved out of the public and neighbors views. The only thing that can be visible to the public and neighbors properties and homes is the hill with nothing stored on it or around it.</p>	SBB-62

#11 – Comment 7: new condition Applicant’s Heavy equipment used for Module Excavation must be required to change out to quieter equipment as new technology becomes available. **SBB-63**

#11 – Comment 8: new condition Applicant shall be required to phase a certain number of service trucks (garbage trucks) every year to the new **Hydraulic Hybrid Garbage Truck. Hydraulic Hybrid Developed By EPA Increases Garbage Truck Fuel Economy Up To 30 Percent.** Electric power yields high torque from the start, is quiet and makes for emission-free loading and compression Hybrid garbage trucks offer several advantages by using an electric motor during operations, reducing fuel consumption by about 30 percent compared to a conventional truck. “Less noise and less emissions also creates better working conditions for the operators,” During developmental work with these garbage trucks showed that noise reduction increased safety because the driver can quickly draw attention to passing traffic.” **SBB-64**

#11 – Comment 9: new condition To Increasing public safety - The County will work out the schedule to remove the older trucks of the roads and replace them with the Hybrid garbage trucks. **SBB-65**

#12 7. Modification of Hours of Operation pg III-27

#12 – Comment 1- The listed “Existing hours” are not correct in the table III-4. The hours that are current for Landfill Operation other activities is 6:00 am to 5:00pm. 1991 permit A-25. **SBB-66**

#12 – Comment 2- Is the proposed hours now going to be 7:00 am to 5:00 pm which includes all Landfill Operation for other activities too? Applicant will have all activities stopped at 5:00. **SBB-67**

#12 – Comment 3 If applicant does not stop Waste, CO, RRP landfill operation activities after hours of operation they will be find a \$1000.00 an incident. **SBB-68**

#12 – Comment 4 If applicant does not stop MRF landfill operation activities after hours of operation they will be find a \$1000.00 an incident. **SBB-69**

#12 – Comment 3- For your information I have seen Commercial haulers coming into the landfill after 4:30 PM – CCL has already been operating by the proposed hours of operations. **SBB-70**

#12 – Comment 5- Please do not change the existing CCL hours of operation. I have listed the hours of the three landfill operations in the area. As you can see CCL’s hour will be inconsistent with the other similar facilities. **SBB-71**

Paso Robles Municipal is Monday - Saturday, 8am - 3pm Closed Sunday

Chicago Grade

	Monday through Friday	Saturday	Sunday
Open to Public & Commercial Haulers	7:30 a.m. - 3:00 p.m.	7:30 a.m. - 3:00 p.m.	9:00 a.m. - 3:00 p.m.
Facility Waste Staff Hours	7:00 a.m. - 6:00 p.m.	7:00 a.m. - 6:00 p.m.	7:00 a.m. - 6:00 p.m.
Facility Recycle Staff Hours	6:00 a.m. - 6:00 p.m.	6:00 a.m. - 6:00 p.m.	6:00 a.m. - 6:00 p.m.
Transfer Trailers	7:00 a.m. - 5:30 p.m.	7:00 a.m. - 5:30 p.m.	CLOSED TO TRANSFER TRAILERS
Household Hazardous Waste	CLOSED	11:00 a.m. - 3:00 p.m.	CLOSED

Chicago Grade site is open to the public Monday through Sunday, seven days a week, except for the seven major holidays (<u>New Year's Day, Memorial Day, Independence Day, Labor Day, day after Thanksgiving and Christmas Day.</u>) Hours of operation for the facility (including hours open to public and commercial haulers, and working hours for facility staff) are as indicated above.	SBB-71 (cont'd)
Tajiguas (Goleta) Landfill is open Monday from 7:00 a.m. to 5:00 p.m. and Tuesday through Saturday from 7:00 a.m. to 4:00 p.m. It is closed on Sundays, <u>New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.</u>	
#12 – Comment 6- Applicant will not increase the MRF processing hours to provide for a second shift. This is not an industrial location. People live here and we should not have to hear the MRF running till 10:00pm and then hear more night traffic driving on 227.	SBB-72
#12 – Comment 7- Since applicant won't be generating any more than 200 trips a day then there should be enough time to process the increase in recyclable materials at the facility as a result of the proposed project.	SBB-73
#12 – Comment 8- What does " <u>would not involve significant weekend processing</u> " mean? RDEIR - "The hours shown apply seven days a week except in the case of the CO and MRF, which do not and would not involve significant weekend processing."	SBB-74
#12 – Comment 9- Do not allow any CO and MRF weekend processing.	SBB-75
#12 – Comment 10 – this is not an industrial location. People live here and we should not have to hear the MRF running till 10:00pm at night.	SBB-76
#12 – Comment 11 - Applicant will not accept any Waste, CO, MRF waste, Hazard Waste after 4:30pm. If applicant is caught accepting anything after hours they will be find a \$1000.00 an incident.	SBB-77
#12 – Comment 12 <u>New condition</u> – To become more consistent with the other landfill operations in the area. Applicant must close and not except waste or run any landfill operation on the following Holidays: <u>New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.</u>	SBB-78
#12 – Comment 13 If CCL is Closed for the Holidays - Applicant will not perform any landfill operation activities – if they do they will be find a \$5000.00 an incident.	SBB-79
#12 – Comment 14 Increasing the hours will just increase the traffic. Do not increase the hours of any landfill operations.	SBB-80
#13 LITTER	
#13 – Comment 1: Applicant shall pick up Litter every day. Applicant should not have to wait to hear from neighbors to pick up the littler on the road sides.	SBB-81
#13 – Comment 2: If Applicant does not complete a "clean sweep" of the litter every 3 months, the Applicant is subject to a fine of \$100 for every piece of trashed found.	SBB-82
#13 – Comment 3: Applicant shall coordinate with Cal Trans to close one lane of Hwy 227 to pick up garbage. Applicant shall fund Cal Trans maintenance crew to pick up litter on the dangerous parts of Hwy 227.	SBB-83

#13 – Comment 4: Applicant’s adopted a highway sign should be removed since they have done very little to help clean their trash on Hwy 227.	SBB-84
#13 – Comment 5: Applicant shall fund a CHP officer to be stationed at the entrance of the landfill during operational hours to monitor the delivery vehicles meet the Calif. Vehicle Code 23115(a).	SBB-85
#13 – Comment 6: CHP office will also be responsible for regulating the number of commercial haulers allowed to come in to the landfill.	SBB-86
#13 – Comment 7: Applicant shall fund a CHP officer to monitor the trucks traveling on 227 during open operational hours.	SBB-87
#13 – Comment 8: Applicant shall pay a \$1000.00 littering fine for trucks that have been ID for lettering. CHP will be called to inspect the truck. Truck driver will have to pull over and wait for CHP to arrive.	SBB-88
#13 – Comment 9: Applicant shall be required to pick up trash on Noyes rd.	SBB-89
#13 – Comment 10: CHP will monitor and regulate if the Applicant accepts outside debris, which they shall be fined \$1000.00 for each outside load being accepted.	SBB-90
#13 – Comment 11: Applicant shall fund a street sweeper to sweep the corner of Noyes Rd and Hwy 227 once a month. Also, the CCL entrance must be swept once a month. If the area is too dangerous to sweep, Applicant will fund Caltrans to manage the traffic flow to allow for the sweeping efforts.	SBB-91
#14 NOISE	
#14 – Comment 1: How will berms help the continuous noise we hear at my house? Applicant must fund a Noise expert to determine the correct mitigated measure.	SBB-92
#14 – Comment 2: If you put up sound walls it will reflect the noise up to our home. Applicant must fund a Noise expert to determine the correct mitigated measures.	SBB-93
#14 – Comment 3: Applicant must not take away our current views of Edna Valley. County must hire an expert to determine the loss of property values due to the neighbor’s location near the landfill.	SBB-94
#14 – Comment 4: There is NO one time payout for noise. Applicant shall keep funding until the noise is mitigated.	SBB-95
#14 – Comment 5: Use electric trucks to meet County ordinance which requires that traffic noise be below the standards of the County at the property boundary. Even with a setback of 150 feet County standards have been predicted to be exceeded. Neighbors all along Highway 227 are affected. Again the noise level standard for the County is presently violated and was predicted to be violated for the proposed expansion. A specific plan which will meet County standards must be presented in the final EIR.	SBB-96

#15 Disease Vector

#15 – Comment 1: Bring back the falcon program that worked! Applicant shall fund the falcon program 7 days a week.

SBB-97

#16 The landfill currently operates under the following permits:

Solid Waste Facility Permit (40-AA-0004) CalRecycle 1/23/2002
Waste Discharge Requirements (R3-2002-0065) RWQCB 11/1/2002
Permit to Operate (multiple) SLOAPCD Various
Development Plan (D860156D) Landfill Expansion County Planning and Building 12/1991
Development Plan (D960246)(D960087:B) MRF Construction County Planning and Building 1997
Development Plan (D000281D) Compost Operation 7/2001 amended 11/2010

SBB-98

#16 – Comment 1: The DEIR and RDEIR must adopt all of those conditions and mitigation measures in the proposed permit, in addition to the ones proposed in the 2009 DEIR and the 2011 RDEIR. If they are not included, then the RDEIR and DEIR must state why for the reduction and the reason for not adopting the past conditions and mitigation measures. Please outline and explain if an old condition/mitigation measure is not effective or a different mitigation measure is more effective with dealing with the impacts identified in either 1991, 1996, or 2001, along with those identified in 2009 and 2011.

SBB-99

Sincerely,

Sue and Bill Barone

August 24, 2010

Dear Ms. Green,

The World Health Organization has made statements in regards to Waste Management that this is becoming an increasingly complex matter. The effects on the health and well-being of human exposure to both waste materials and to the products of waste management are a cause of concern.

Our community appreciates your time and expertise in reviewing the wide variety of exposures; exposure pathways and exposure scenarios that are used to estimate the health risks.

Only a few epidemiological studies have evaluated sites with respect to the types of chemicals contained and released; however most studies on the health effects of waste landfills in fact lack direct exposure measurement, and rely on residential distance from the site.

I understand that health endpoints are considered in epidemiological studies that include cancer incidence and mortality and reproductive outcomes such as birth defects and low birth weight. Despite the methodological limitations, the scientific literature on the health effects of landfills provides some indication of the association between residing near a landfill site and adverse health effects.

It is important that the adverse effects on health due to nuisance (smell, noise, litter, effect on property values, stress for lack of regulatory response etc) are also considered. These endpoints often escape formal epidemiological analysis however they are relevant for the health of my neighbors and community.

Sincerely,

Sue Barone

Attachment B:

Pictures and comments provided at the CCL proposed project RDEIR public comment workshop on June 22, 2011.

The current 1991 Landfill Permit has a set life. Once the current landfill life span ends the proposed project is inconsistent with the character of Edna Valley's immediate neighborhood and residential rural community:

The current 1991 Land permit has a set life and is not consistent with the character of Edna Valley's community and the immediate neighborhood.



Pic: A



Pic: B



Pic: C



Pic: D Most days have Dust and Daily Haze generated from Cold Canyon Landfill. High particulate matter (PM)

The following pictures are **consistent** with the character of the Edna Valley's immediate neighborhood and residential rural community:



Pic: E This is Cold Canyon Landfill's proposed new location. Across the street are wetlands which connect to Pismo Creek.



Pic:F



Pic: G



Pic: H

**Pic: I**

The County of San Luis Obispo General Plan - Conservation and Open Space Element. Was adopted by the San Luis Obispo County Board of Supervisors on May 11, 2010 - Resolution 2010-151

Frank Mecham, District 1 Bruce White, District 1
 Bruce Gibson, District 2 Anne Wyatt, District 2
 Adam Hill, District 3 Carlyn Christianson, District 3
 K.H. Katcho Achadjian, District 4 Gene Mehlschau, District 4
 James R. Patterson, District 5 Sarah Christie, District 5

TABLE VR-2 SUGGESTED Several Scenic Corridors including Highway 227 from Price Canyon Road to Arroyo Grande City Limits.

The SLO General Plan states the following about our County Scenic Corridors:

Scenic corridors are view areas, or "viewsheds" from popular public roads and highways that have unique or outstanding scenic qualities. Inappropriate development or billboards can intrude upon these viewsheds. Some examples are highly visible graded roads and pads, buildings that are too close to a highway, and building designs that silhouette against the skyline, telecommunications facilities, utilities, signage, and other structures that dominate rather than blend with a natural landscape. Scenic highways and roads are scenic corridors that are designated to conserve and enhance their scenic beauty.

Conservation and Open Space Element – Introduction:

Our county has an abundance of natural resources and open space features that are fundamental to our quality of life – they define our past, sustain our day-to-day activities, and influence the prosperity of our future. These features include majestic natural landmarks, outstanding scenic vistas, important wildlife habitats, diverse natural communities, unique historic and cultural resources, vibrant lakes and creek corridors, dynamic coastal and marine environments, clean air, and bountiful soils. However, the county's special character is vulnerable to development pressure that can incrementally degrade biodiversity and threaten ecologic, historic, scenic, and other natural resources.

Attachment C:

Transportation Noise and Traffic

Traffic pictures provided at the June 22, 2011 CCL RDEIR public meeting. These pictures identify the many different types of trucks traveling to and from Cold Canyon Landfill which many exceed the current County noise level. I live at Noyes and Hwy 227 and the noise from these trucks are very loud.

Pic A: The State of California has put up warning signs on Hwy 227 to protect the public. The State has advised all Tractor-Semis over 30 feet kingpin to rear axle not to travel the on Hwy 227.

Pic B, B1, B2, B3, B4, B5 & B6: Just a few illustrations of trucks that are heavy and/or oversized which travel the curvy Hwy 227. Most of these trucks are traveling to and from CCL on a daily basis.

Pic C & C1: Hwy 227 has areas that are crumbling. Currently, the State has placed boards and sand bags to help reduce the speed at which the Highway is diminishing.

Pic D: Caltrans working on Hwy 227 again after another accident.

Pic E: May 26, 2011 overturned garbage truck destroying the road surface of the Hwy 227.

The growing wear and tear from oversized and very heavy trucks used for hauling hazardous materials, heavy metals, large volume of composting and large commercial truck traffic is not only increasing the dangers of the road, but the San Luis Obispo tax payers are the ones having to pay the costly maintenance to our Hwy 227 roadway beyond reasonable wear and tear.



Pic A: The State of California has put up warning signs on Hwy 227 to protect the public. The State has advised all Tractor-Semis over 30 feet kingpin to rear axle not to travel the on Hwy 227.



Pic B: This is just one example of the many trucks that are oversized traveling the curvy (two lane) Hwy 227. These trucks travel to and from CCL on a daily basis.



Pic B1: This composting truck (Meirs Brothers). When these trucks go up and down 227 from Arroyo Grande to CCL it takes up the hole road and slows traffic to a crawl.



Pic B2: This truck has to take up two lanes to make the turn up Noyes Rd.



Pic B3: Noyes and Hwy 227. This large truck is slow to move out of traffic flow that is normally traveling at 55 plus miles an hour up and down Hwy 227.



Pic B4: Noyes Rd and Hwy 227 – Normal Garbage Truck traffic. Because of the up and down hill terrain the Noise generated from the trucks are very loud. Accelerating and breaks are heard throughout the day. Plus, the Garbage Trucks running on Natural Gas are the worst Noise offenders.



Pic B5: Noyes and Hwy 227. This large truck gives another illustration of the difficulties they have while traveling on Hwy 227 and Noyes roads. Just another example of why the State of Calif. advises all Tractor-Semis over 30 feet kingpin to rear axle not to travel the on Hwy 227.



Pic B6: Noyes and Hwy 227. This is the Garbage Truck running on Natural Gas – they are the worst Noise offenders.



Pic C & C1: Hwy 227 has areas which are deteriorating. Currently, the State has placed boards and sand bags to help reduce the speed at which the Highway is diminishing.



Pic D: Caltrans working on Hwy 227 again after another accident.



Pic E: May 26, 2011 overturned garbage truck destroying the surface of the road.



**Response to Letter from Sue and Bill Barone,
dated July 11, 2011**

Comment No.	Response
SBB-Intro	This comment states the REIR is an improvement, states that the commenter's concerns are laid-out in detail in the following sections of the letter (refer to numbered responses to comments below), requests that the CEQA process not be used as a rubber stamp for project approval, expresses an opinion on the attitude of the Landfill operator, and concludes by stating the County must outline a plan for an alternative location. Because this is a summary of the specific comments below, a response to the introduction portion of this letter is not warranted.
SBB-1-4	These comments asks why testimony given at the November 2010 compost operation permit revocation hearing (which include the Landfill's demands that there not be a zero tolerance odor threshold imposed by CalRecycle or the County, CalRecycle's comments on the Odor Impact Minimization Plan and a "zero tolerance" odor threshold), and handouts from the public have been omitted from the REIR. The revocation hearing was held to address the Landfill's compliance record with respect to the 2001 land use permit issued by the County for the open windrow compost operation at the project site. The potential revocation of the 2001 permit was not part of the applicant's project description (a project description is a statement prepared by the Landfill and included in an EIR outlining what they want to receive for a permit in the future – in this case expansion of the Landfill) and was therefore considered separate from the EIR. However, as a result of the numerous complaints generated by neighbors of the Landfill and "Notice and Order" statements issued by CalRecycle, the Landfill has elected to eliminate the open windrow compost operation component of their expansion proposal from the project description. In this regard, the revocation hearing and the elimination of the compost operation from the EIR have been incorporated into the FEIR. In addition, the staff report prepared for the revocation hearing has been included as Appendix J of the EIR to provide some background information regarding the development of new information provided in the REIR. No changes to the FEIR are necessary.
SBB-5	This comment states the CalRecycle inspector is located in Sacramento and there should be a new condition requiring daily video tape uploads to CalRecycle for real time daily inspection capabilities. CalRecycle currently acts as the County's Enforcement Agency (EA) to insure compliance with many of the regulations applicable to the Landfill. The EIR proposes that this system be augmented with a County monitor should the expansion project be approved. AES/mm-1 and 2 require the County to hire, and the applicant to fund a monitor to coordinate all mitigation monitoring and condition of compliance for the proposed project. Monitoring with video could be implemented if determine appropriate by the County decision makers. No changes to the FEIR are necessary.
SBB-6	This comment recommends a condition of approval be included that includes a fine based system for notices of violation. The County does not have the ability to impose fines but does have the ability to revoke or limit a land use permit if an applicant is not adhering to the agreed upon conditions of approval. The County monitor (required per AES/mm-1 and 2), in coordination with the County and other responsible agencies such as CalRecycle, APCD, and RWQCB, will determine on a case-by-case basis the need for such actions. No changes to the FEIR are necessary.

Comment No.	Response
SBB 7-8	These comments state that the Health Assessment prepared as part of addressing Landfill and compost operation health issues is incomplete and the County needs to complete a scientific analysis on the health effects associated with living near a landfill. The County hired a qualified consultant, Dr. Alvin Greenberg (approved by the San Luis Obispo County Public Health Department) to prepare a Draft Health Risk Assessment. That report concluded that impacts to public health would be less than significant with the proposed mitigation. SLOCPHD, after review of the Phase I HRA, stated that based on the results of the Phase I HRA a more in-depth Phase II HRA is not warranted and that concerns expressed by neighbors regarding a cancer cluster being caused by the Landfill is not supported (refer to Appendix I, December 2010 SLOCPHD Memorandum). No changes to the FEIR are necessary.
SBB-9	This comment questions the acceptance of medical or hazardous materials. Certain medical wastes are considered non-hazardous and can be accepted at Class III landfills such as Cold Canyon. No changes to the FEIR are necessary.
SBB-10	This comment states that wastewater grit should not be spread on the active landfill working face and that this issue is currently being ignored. 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 liners. The Landfill does not accept sludge. Sludge is not the same as bio-solids and consists of the untreated material taken from septic tanks. Wastewater treatment plant sludge would not be composted or used as alternative daily cover. Condition compliance will likely be a dynamic process which varies based on the specific violation responsiveness of the applicant, etc. No changes to the FEIR are necessary.
SBB-11	This comment requests clarification on aerated static pile (ASP) or anaerobic digestion (AD). Due to the fact the applicant has removed open windrow composting from their project description and is not proposing any other form of composting at this time, it is neither ASP nor AD. The FEIR has been revised to reflect these amendments.
SBB-12	This comment requests the wastewater treatment plant sludge not be allowed as part of AD, ASP, or composting. The proposed project does not include composting, AD, or ASP and therefore does not include use of wastewater treatment plant sludge as part of these operations. No changes to the FEIR are necessary.
SBB-13	This comment states the REIR does not have enough information to approve AD or ASP technologies. The responses to SBB 11-12 above are relevant responses to this comment. No changes to the FEIR are necessary.
SBB-14	This comment states the compost operation shall not be located on the top deck of the Landfill. As noted in previous comments, the compost operation has been eliminated from the proposed project and therefore would not be located on the top deck of the Landfill. No changes to the FEIR are necessary.
SBB-15	This comment asks why County staff is proposing a project that goes against the County General Plan, specifically pertaining to General Plan policy pertaining to scenic corridors. The applicant is proposing the project, as opposed to County staff, and staff is charged with evaluating the proposed project, including the project's consistency with General Plan policies. With respect to scenic corridors policy, Section IV, Environmental Setting, identifies

Comment No.	Response
	the proposed project as being potentially inconsistent with this policy. The term potential is used because the final determination of consistency is left with the County decision making bodies (i.e., Planning Commission or Board of Supervisors). No changes to the FEIR are necessary.
SBB-16	This comment states the applicant's revision to the project description should be in writing and included in the EIR. The applicant reviewed the project description in the REIR prior to the analysis being prepared. They have also provided comments in writing on the Project Description in the REIR which have been responded to above (refer to Section XI.H. Applicant / Agent Comments). No changes to the FEIR are necessary.
SBB-17	This comment states the text of the Air Quality section of the EIR will need to be amended as odors are now addressed in the Hazards and Hazardous Materials section of the EIR. Revisions to the FEIR in accordance with these changes have been implemented.
SBB-18	This comment states the Air Quality section needs to be amended to address particulate matter and dust and a new condition needs to be included that requires the applicant to fund monitoring for dust control. The Air Quality section considers particulate matter and recommends mitigation to address dust control. Particulate and dust impacts would be mitigated to a level of insignificance. In addition, through AES/mm-1 and 2, the County would require a monitor to oversee the applicant's implementation of dust control mitigation and would coordinate where necessary with the APCD on compliance issues. No changes to the FEIR are necessary.
SBB-19	This comment states that APCD must conduct air studies so future decisions can be based on valid monitoring data. It is unclear which "air studies" should be performed. Potential emissions have been estimated and mitigation measures recommended. The analysis conducted in the EIR also takes into consideration baseline monitoring data provided by APCD as part of their air on-going monitoring programs throughout the County. No changes to the FEIR are necessary.
SBB-20	This comment states that if the Landfill generates unsafe levels of sand emissions the project should be required to reduce these emissions and if they cannot be reduced, require the project to move elsewhere. Dust control measures have been recommended and would be enforced by the County of San Luis Obispo and the SLOAPCD. Placing a condition of approval on the project that it be moved elsewhere would not be considered a feasible mitigation measure. No changes to the FEIR are necessary.
SBB-21	This comment states that the proposed project is not an "expansion" project because the existing facility's permit has a set life. The proposed project expands the size of the existing disposal area, increases the tonnage of waste processed, and expands the MRF building, among other considerations. In that respect the proposed project is an expansion. The existing permit, issued in 1991, does not have a set life and is considered valid by the County for as long as the applicant elects to operate under the permit and for as long as there is capacity to dispose of waste at the site within the previously approved boundaries. No changes to the FEIR are necessary.
SBB-22	This comment states that the permit is not extending the existing Landfill's life and that if the expansion site is approved, "the Landfill's clock starts all over." The Landfill does not operate under a set timeframe that would be re-set. The existing permit, issued in 1991, does not have a set life and is considered valid by the County for as long as the applicant elects to

Comment No.	Response
	operate under the permit and for as long as there is capacity to dispose of waste at the site. In addition, the area proposed for the expansion of the disposal area would connect directly to the existing disposal area, allowing the volume of the entire disposal area to increase more than if the disposal areas were isolated on two different parcels. No changes to the FEIR are necessary.
SBB-23	This comment states that once the current Landfill's lifespan ends, the proposed project is inconsistent with the character of the Edna Valley. The EIR considers the baseline for this project to generally correspond with the time of the issuance of the NOP – although because data for the project comes from a wide variety of sources and over a few years, the EIR attempts to use the most recently available data. The baseline is not some future time when the Landfill is closed. No changes to the FEIR are necessary.
SBB-24	This comment asks for the address of the property where the Landfill wants to keep filling. Based on County records, the address of the Weir property is 2112 Carpenter Canyon Road. No changes to the FEIR are necessary.
SBB 25-27	These comments summarize condition of approval "B-35" from the 1991 Landfill permit (i.e., D860156D-B, Revised), which states: the post-closure use of the Landfill would be open space, grading at the site will harmonize with its setting, and the County was wise to recommend such a permit. The language of B-35 is as follows: "the post-closure end use of the project site is designated as open space, non-irrigated grazing land as such a designation is required by Title 14 of the California Code of Regulations, Section 17796 et. seq." No responses to these comments are required and no changes to the FEIR are necessary.
SBB-28	This comment states that condition of approval "B-35" from the 1991 Landfill permit (i.e., D860156D-B, Revised) is consistent with the County General Plan Conservation and Open Space Element, Table VR-2. No response to this comment is required and no changes to the FEIR are necessary.
SBB-29	This comment asks for the definition of semi-rural. Semi-rural is not formally defined by the County. The term was used to identify the land use patterns in the vicinity of the Landfill. The patterns vary from large parcels in agricultural and residential use in the Agricultural land use category, to smaller parcels primarily in residential use. The EIR does not suggest that the area consists of one acre lots with custom homes. No changes to the FEIR are necessary.
SBB-30	This comment states that the Landfill should move next to the Price Canyon Oilfield and not next to the Edna Valley wetlands. The EIR evaluates the proposed project and a reasonable range of alternatives – including sites adjacent to Price Canyon (Gragg and Shell Canyons). However, a site on Ontario Road was chosen for further analysis because the physical characteristics of the Ontario site were different enough to allow for a meaningful comparison of the alternative location to the proposed project. The wetlands on the proposed expansion site would be impacted but also restored. Thus, impacts to those wetlands would be reduced to a level of insignificance (refer to V.D.6.a(6)). No changes to the FEIR are necessary.
SBB-31	This comment states that State Route 227 is the only route into and out of the Landfill and that it is a very unsafe roadway for the large and heavy Landfill trucks. Section V.J.5.c., Transportation and Circulation, evaluated project access and roadway safety issues and determined that after taking into consideration sight distance, vertical curvature of the road, and other safety factors, that impacts of the proposed project would be less than significant.

Comment No.	Response
	No changes to the FEIR are necessary.
SBB-32	This comment provides a historical perspective of State Route 227 and states that the road is not maintained to support heavy traffic. Section V.J.5.c., Transportation and Circulation, evaluated the proposed project's impact on State Route 227 and found that increased traffic levels would not be reduced below acceptable Caltrans Level of Service C. No changes to the FEIR are necessary.
SBB-33	This comment states that because the traffic data are incorrect there needs to be a traffic noise study prepared by an expert. The Transportation and Noise sections were prepared by County-qualified experts in these two disciplines and it is the professional opinion of the EIR consultant that trip generation and noise calculations are correct and accurate based on operational assumptions associated with the proposed project. No changes to the FEIR are necessary.
SBB-34	This comment requests to see the calculations used to determine traffic volume increases associated with the proposed project. As part of preparation of the Traffic Impact Report prepared by Pinnacle Engineering (2008), Pinnacle conducted a.m. and p.m. peak hour traffic counts on State Route 227. At the time, the proposed project involved increasing the maximum daily tonnage from 1,620 (currently permitted) to 2,500. The applicant supplied traffic information (based on entrance gate records) that showed the Landfill had been averaging 660 trips per day. Peak hour traffic counts showed an approximate range of increased trips of 25 to 50% over the average daily trips. In applying the range to the proposed project, Pinnacle derived a 200 trip per day increase (refer to Appendix F, Traffic Impact Report, page 11). Comments received on the 2009 DEIR suggested that, as an option to estimating trip numbers based on the above methodology, an alternative approach could involve tons per trip per vehicle. 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, June 2009). For average operation conditions, the estimated ADT increased to 1,020, which is approximately 18.6% higher than originally estimated in the 2009 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 to this comment does not change the conclusions in the 2009 DEIR. Caltrans Levels of Service would still remain at C or above. Refer to Section V.J.5.a. Transportation and Circulation for revisions to the FEIR.
SBB 35-36	This comment states that the safety of daily commuters, visiting tourists, wildlife, and bicyclists are jeopardized by the increased traffic volumes and requests the number of commercial haulers be regulated. Section V.J.5.c., Transportation and Circulation, evaluated project access and roadway safety issues and determined that after taking into consideration sight distance, vertical curvature of the road, and other safety factors, that impacts of the proposed project would be less than significant. No changes to the FEIR are necessary.
SBB-37	This comment requests a new condition of approval be imposed on the project that routes garbage trucks through Price Canyon Road when accessing the Landfill so as to direct all traffic off of State Route 227. Because traffic levels associated with the proposed project would not be below Caltrans Level of Service C, imposing such a condition of approval is not

Comment No.	Response
	warranted. No changes to the FEIR are necessary.
SBB-38	This comment states that the applicant shall fund a traffic noise expert to facilitate reduced traffic noise along State Route 227. The Noise section considers noise generated by trucks along State Route 227 as well as the estimated noise generated by the proposed project using the increased traffic numbers. Please refer to Appendix E. No changes to the FEIR are necessary.
SBB-39	This comment describes how air pollutants are trapped in the area of State Route 227 and Noyes Road and recommends a new condition requiring the applicant to fund an air quality assessment at this intersection. Operational emissions associated with vehicles traveling to and from the Landfill were considered in the Air Quality section and impacts are considered to be less than significant. No changes to the FEIR are necessary.
SBB-40	This comment states that truck/traffic emissions should be measured at the corner of Noyes Road and State Route 227 throughout the life of the project. The EIR evaluated transportation emissions and potential impacts to public health. It concludes that impacts would be less than significant. The type of emissions modeling the commenter seems to be recommending is typically applied to multi-lane intersections in urban settings where large quantities of emissions are continually generated by vehicles queuing at the intersection. No further analysis is required.
SBB-41	This comment states that the EIR failed to address traffic noise. Existing and potential future transportation-related noise was considered in Section V.I.5.a., Noise (of both the 2009 DEIR and the 2011 RDEIR). It concludes that impacts would be less than significant. No changes to the FEIR are necessary.
SBB-42	This comment states that the EIR failed to address the traffic issue – which has ramifications on transportation related noise issues raised by the commenter in 2007 and 2009. The comment then highlights that traffic is a huge issue on State Route 227 and that traffic data was omitted from the report pertaining to safety. Traffic accident data is included in Appendix F, Table 5 of the 2008 report. Accident data from a 5.5-year period preceding the development of the Traffic Report were included in Appendix F. Please also refer to responses to comments above (SBB-31 through 41). No changes to the FEIR are necessary.
SBB-43	This comment states that there have been accidents on State Route 227 not accounted for in the EIR. The accident information provided in this comment relates to accidents subsequent to preparation of the 2008 Traffic Impact Report. The EIR states that from a traffic safety standpoint, as long as proposed entrance improvements take into consideration Patchett Road, a County maintained road, there would not be the potential for turning movement safety conflicts on State Route 227. No changes to the FEIR are necessary.
SBB-44	This comment outlines Levels of Service provided in the 2005 SLOCOG Chapter 2 Regional Growth Trends report and states that for Noyes Road and State Route 227 Levels of Service are listed as C and D respectively. In preparation of traffic investigations, the County directs consultants to utilize Caltrans (for State roadways) and the Public Works Department (for County roadways) traffic count and Level of Service information. It should also be noted that the growth trends sometimes change and this report was prepared based on actual traffic count information. No changes to the FEIR are necessary.

Comment No.	Response
SBB-45	This comment reiterates Level of Service requirements which trigger the recommendation of mitigation measures. As noted in response SBB-44, Levels of Service would not be below D with implementation of the proposed project. No changes to the FEIR are necessary.
SBB-46	This comment projects that safety levels on State Route 227 are diminishing and as a result State Route 101 is the most appropriate route for Landfill related traffic. State Route 227, from the Landfill entrance (existing and proposed), would have to be used as the primary point of access to varying degrees, depending upon the route of vehicle hauling refuse to the Landfill from all other locations within the service area. As noted in previous comments, traffic safety impacts have been determined to be insignificant. No changes to the FEIR are necessary.
SBB-47	This comment states that due to wear and tear on State Route 227 resulting from the proposed project, and increased burden on state tax payers, the Landfill expansion should be conditioned to fund Caltrans maintenance work for the highway. The EIR did not identify State Route 227 as being in a state of needed repair nor did it identify the Landfill as a source of the maintenance issues on the highway. State Route 227 is utilized by a multitude of large vehicles (for example agricultural trucks and trailers). It should be noted that the Landfill, as well as all users of state roadways, through purchases of gasoline and diesel from retailers, pay fuel taxes that, fund road repairs. No changes to the FEIR are necessary.
SBB-48	This comment suggests that if the County is recommended to pursue a regional approach then the Ontario site should be selected because it is closer to State Route 101 which can better accommodate traffic. The County, in this case, is being asked to consider the expansion of the Landfill proposed by the project applicant. In so doing, the County decision makers will have the opportunity to review Section VI, Alternatives and take into consideration whether any of the alternative sites, including the Ontario site, merit further consideration. No changes to the FEIR are necessary.
SBB-49	This comment states that it does not make sense that the County would consider this project given the commenter's concerns for public safety. The County decision makers will be in a position to consider these issues prior to making a decision on the proposed project. No changes to the FEIR are necessary.
SBB-50	This comment provides the opinion that the Edna Valley is a poor location for receiving waste from a number of communities, ranging from San Simeon to the north and Oceano and Nipomo to the south. Review of Figure III-4 shows the proposed site is in a relatively central location within the service area. No changes to the FEIR are necessary.
SBB-51	This comment states that a new condition should be placed on the project requiring that trash not be accepted from Santa Barbara. It is unclear how the proposed condition would reduce potential significant and unavoidable environmental impacts associated with the proposed project (e.g., aesthetics, noise, etc.) and therefore cannot be recommended as part of the EIR. A similar condition in Santa Barbara County would result in all of the South County waste coming to Cold Canyon. According to CalRecycle the San Luis Obispo Integrated Waste Management Authority currently sends some waste to the Santa Maria Landfill. The County decision making bodies who will be reviewing the proposed project can however potentially take action on such a recommendation. No changes to the FEIR are necessary.
SBB-52	This comment asks about the legality of allowing the Landfill to accept waste from outside of its service area. There is no law prohibiting the Landfill from accepting waste from other

Comment No.	Response
	jurisdictions – just as some other jurisdictions occasionally accept waste from San Luis Obispo County. No changes to the FEIR are necessary.
SBB-53	This comment recommends a condition allowing for the Landfill to only accept waste from within specified service areas, require proof of residency by those attempting to use the Landfill, and to require the Landfill to be fined for accepting waste from those who are not residents. It is unclear how the proposed condition would reduce potential significant and unavoidable environmental impacts and therefore cannot be recommended as part of the EIR. A similar condition in Santa Barbara County would result in all of the South County waste coming to Cold Canyon. According to CalRecycle the San Luis Obispo Integrated Waste management Authority currently sends waste to the Santa Maria Landfill. The County decision making bodies who will be reviewing the proposed project can however potentially take action on such a recommendation. No changes to the FEIR are necessary.
SBB-54	This comment proposes wording revisions to the EIR regarding the service area of the Landfill that is more restrictive and is technically not consistent with what the project applicant is proposing and therefore cannot be included. No changes to the FEIR are necessary.
SBB-55	This comment asks for clarification on support activities. Support activities are those activities which support the four main activities listed in the comment. These are described in Section III.C.1.e of the EIR and include leachate monitoring, groundwater monitoring, surface water monitoring, landfill gas monitoring, and land surface emission monitoring. No changes to the FEIR are necessary.
SBB-56	This comment states that for a number of activities, such as the RRP and MRF, there should be a Local Enforcement Agency (LEA). The FEIR recommends AES/mm-1 and -2, which require an applicant-funded, County-hired Environmental Monitor. The Monitor would be responsible for monitoring compliance with the mitigation measures and conditions of approval for the proposed project. In that sense they would be acting in the role of an “LEA” on the County’s behalf for all of the activities associated with the Landfill. No changes to the FEIR are necessary.
SBB-57	This comment suggests a new condition requiring the Landfill to revise their module construction sequencing. The Landfill is surrounded on all four sides by residences. No matter the order of the development of the modules, some residences would be impacted. The impacted residences/property lines would change over time as the Landfill develops. Additionally, the project description is a statement of what the applicant is proposing and the County cannot make changes to the project. The County can make recommendations in the form of mitigation measures that could change the project and this is done within resource issue area sections of the EIR (i.e., Section V). No changes to the FEIR are necessary.
SBB-58	This comment suggests a new condition requiring the applicant to coordinate with a liner installation expert. The liner installation process is conducted in accordance with a construction quality assurance monitoring plan. This plan is reviewed by the RWQCB. The plan includes a description of the tests to be performed, testing frequency, and performance standards. There is no evidence that an additional “liner expert” is required. No changes to the FEIR are necessary.
SBB-59	This comment states that the applicant shall provide a plan to protect the County 10 to 100 years in the future should liners fail and contamination occurs. The Landfill is required by State law to keep a financial assurance in place with CalRecycle to cover costs associated

Comment No.	Response
	with any containment failure and/or contamination which may require clean-up. No changes to the FEIR are necessary.
SBB-60-61	These two comments suggests a new condition prohibiting the Landfill from stockpiling soil and concrete that is viable (perhaps meaning visible) to neighbors and the public. Given local topography it is infeasible to completely conceal stockpiled material from the public. However mitigation measures to reduce the visibility is recommended in Section V.A., Aesthetic Resources. Concrete stockpiles would be located at the RRP. The site of the relocated RRP is a considerable distance from public roads and at least partially blocked by the MRF, landscaping, and topography. Because of this, concrete stockpiles would not result in a significant impact to aesthetic resources. No changes to the FEIR are necessary.
SBB-62	This comment suggests a new condition prohibiting the storage of equipment, trucks, and other Landfill infrastructure on the top deck of the Landfill or in any location visible to the public and neighbor's views. The Aesthetic Resources section notes that the Landfill is an active site and would resemble an active construction site throughout the project life and evaluates impacts of the project as seen from public view corridors such as State Route 227. CEQA does not allow for views from private residences to be taken into consideration. A number of mitigation measures have been recommended in the Aesthetic Resources section which would reduce impacts (e.g., AES/mm-4, construction of a berm). It is infeasible to store all equipment out of public views. No changes to the FEIR are necessary.
SBB-63	This comment suggests that the applicant be required to phase in hybrid heavy equipment so as to reduce noise. The EIR includes NS/mm-10 which requires all heavy equipment to use manufacturer's recommended noise abatement measures and AQ/mm-1 which requires the applicant to utilize electric equipment where feasible. These measures would be valid in perpetuity. No changes to the FEIR are necessary.
SBB-64-65	This comment suggests the applicant be required to phase in hybrid garbage trucks so as to reduce noise and emissions. The Landfill currently has a CNG (clean natural gas) facility onsite and a small portion of vehicles use CNG. The Air Quality section notes that emissions from the use of haul trucks will decrease due to advances in fuels and engine technology. This is shown in Appendix B. Also, please refer to the SBB-63 response for additional information regarding mitigation measures recommended in the EIR that would accomplish the commenter's suggestion. No changes to the FEIR are necessary.
SBB-66	This comment notes potential errors regarding hours of operation. It should be noted that Table III-4 over-simplifies the existing permitted hours of operation and does not note that "other activities" can occur at the Landfill between 6:00 a.m. and 5:00 p.m. The applicant is currently permitted by County Development Permit D860156D to conduct non-waste acceptance activities at the Landfill from 6:30 a.m. to 5:30 p.m., seven days permit week. The FEIR (Section III, Project Description) has been revised to provide this clarification.
SBB-67	This comment requests clarification on proposed hours of operation. As proposed, operating hours for all activities except the MRF would start at 7:00 a.m. and need to be complete at 5:00 p.m. The MRF would operate from 7:00 a.m. to 10 p.m. No changes to the FEIR are necessary.
SBB 68-69	This comment recommends issuance of a fine if the Landfill (including the RRP and MRF) accepts waste beyond approved hours of operation. The EIR recommends AES/mm-1 and 2 which would require the County to hire, and the applicant to fund, a monitor to coordinate all

Comment No.	Response
	mitigation monitoring and condition of compliance for the proposed project. It is likely that condition compliance will be a dynamic process which varies based on the specific violation responsiveness of the applicant, etc. The County would have control over the land use permit but would not be able to issue fines. No changes to the FEIR are necessary.
SBB-70	This comment notes that the commenter has observed the Landfill allowing commercial haulers to utilize the Landfill after 4:30 p.m. (the currently permitted time of closure). If such occurrences continue to be reported subsequent to approval of the proposed permit, the County Monitor would be charged with reporting and enforcement action. What those actions are at this time has not been determined. No changes to the FEIR are necessary.
SBB-71	This comment requests that the Landfill's hours of operation not be changed. As part of the EIR process, the County is required to evaluate the environmental issues associated with the applicant's proposal (in this case increased hours of operation). If there are environmental issues associated with the proposed hours of operation, the EIR must identify these. In the case of the proposed project the hours of operation would not result in significant impacts. No changes to the FEIR are necessary.
SBB-72	This comment states that the hours of the MRF should not be extended to 10 p.m. As stated above, the County is required to evaluate the environmental issues associated with the applicant's proposal (in this case increased hours of operation). If there are environmental issues associated with the proposed hours of operation, the EIR must identify these. In the case of the proposed project the hours of operation would not result in significant impacts. No changes to the FEIR are necessary.
SBB-73	This comment correlates vehicle trips generated by the expansion with the time required to process increased recyclable materials. The applicant is requesting the time extension so as to be able to process increased quantities of recyclables. As population increases and recycling rates increase, this would help increase the lifespan of the Landfill. No changes to the FEIR are necessary.
SBB-74	This comment seeks clarification on the meaning of "significant weekend processing". Historically, weekend activity at the Landfill has been approximately 20% of the weekday average. No changes to the FEIR are necessary.
SBB-75	This comment requests that the MRF and compost operation not be allowed to operate on the weekends. Note the compost operation has been removed from the project description. As noted above, the County is required to evaluate the environmental issues associated with the applicant's proposal (weekend processing for the MRF). The EIR must identify if environmental issues are associated with the proposed hours of operation. In the case of the proposed project, the hours of operation would not result in significant impacts. No changes to the FEIR are necessary.
SBB-76	This comment states the area is not an industrial site and neighbors should not have to hear the MRF until 10 p.m. The Landfill site is in the Public Facility land use category and this is an allowable use within that category. The expansion site is zoned Agriculture and the use is conditionally allowed subject to a Conditional Use Permit.
SBB-77	This comment recommends issuance of a fine if any component of the Landfill accepts waste beyond the existing approved hours of operation of 4:30 p.m. This would be considered a potential enforcement issue pertaining to the existing permit and not applicable to this EIR. If

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	such occurrences continue to be reported subsequent to approval of the proposed permit, the County Monitor would be charged with reporting and enforcement action. What those actions are at this time has not been determined. No changes to the FEIR are necessary.
SBB-78	This comment recommends a new condition of approval requiring several holidays per year that the Landfill should be prohibited from operation. The EIR is required to evaluate the environmental issues associated with the applicant's proposal. The EIR must identify if environmental issues are associated with the Landfill being open, and in operation, on the holidays listed in the comment. In the case of the proposed project, no environmental impacts were identified with respect to the Landfill operating on these days. No changes to the FEIR are necessary.
SBB-79	This comment is a follow-up to SBB-78 and states that if the Landfill does operate on holidays a fine should be issued. The EIR recommends the County retain, and the applicant fund, a monitor (AES/mm-1 and 2) who would enforce the conditions of approval associated with any future permits. The County does not have the authority to issue fines but has control over the land use permit for Landfill operations. No changes to the FEIR are necessary.
SBB-80	This comment states increasing the hours of operation would increase the amount of traffic. Increasing the hours would increase the time where Landfill traffic would occur – it does not necessarily increase traffic. The proposed increase in tonnage received would result in additional trips/traffic. No changes to the FEIR are necessary.
SBB-81	This comment states that the applicant shall pick-up litter every day. The proposed litter control mitigation measure would require a more robust onsite litter control, scheduled litter pick-up dates/times, and responses to vehicle-produced litter. No additional measures are required. No changes to the FEIR are necessary.
SBB-82	This comment recommends a fine if the applicant does not complete a "clean sweep" every three months. AES/mm-1 and 2 require the County to hire, and the applicant to fund, a monitor to coordinate all mitigation monitoring and condition of compliance for the proposed project. This monitor would ensure implementation of measures such as HAZ/mm-2 (the Litter Control Plan). The County does not have the authority to issue fines as suggested but has control over the land use permit for Landfill operations. No changes to the FEIR are necessary.
SBB-83	This comment suggests the applicant coordinate with Caltrans to close lanes on State Route 227 for litter collection and fund litter pick-ups along dangerous portions of the highway. The collection of litter, and implementation of other mitigation measures, would be left to the applicant's discretion as long as the County Monitor deems the objective of the measures are being accomplished in a safe manner. The County does not have the authority to issue fines as suggested but has the control over the land use permit for Landfill operations. No changes to the FEIR are necessary.
SBB-84	This comment states the applicant's adopt-a-highway sign should be removed since "they have done very little to help clean their trash." The program is a Caltrans program and this is not a CEQA issue and the EIR is not responsible for validating accuracy of litter control signage. No changes to the FEIR are necessary.
SBB-85	This comment recommends that a California Highway Patrol (CHP) officer be funded to

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	monitor delivery vehicles at the Landfill entrance. Delivery vehicles are monitored by Landfill staff at the entrance. This process would continue with the proposed project. No additional measures are required and no changes to the FEIR are necessary.
SBB-86	This comment states the "CHP office will be responsible for regulating the number of commercial haulers allowed to come in to the landfill". The Landfill is required to monitor incoming loads and report to CalRecycle. No changes to the FEIR are necessary.
SBB-87	This comment states the "Applicant shall fund a CHP officer to monitor the trucks traveling on 227". The CHP already patrols Highway 227. No changes to the FEIR are necessary.
SBB-88	This comment recommends that the applicant pay a fine for littering, be subjected to a CHP inspection, and be pulled over on the side of the road until the inspection is implemented. This measure is infeasible because the County does not have control over how CHP enforcement is conducted. The CHP already patrols Highway 227 and is responsible for enforcing "tarp loads" rules and regulations. No changes to the FEIR are necessary.
SBB-89	This comment recommends that the applicant be required to pick-up trash on Noyes Road. This recommendation is infeasible as Noyes Road extends well into the City of Arroyo Grande. It would be difficult to determine the source of trash. Existing measures require substantial litter control and clean-up effort by the Landfill (e.g., HAZ/mm-1 and 2). No changes to the FEIR are necessary.
SBB-90	This comment recommends that CHP monitor and regulate the Landfill so as to prevent the Landfill from accepting "outside debris." The comment does not define the "outside debris" area and no law prohibits waste delivery based on its source location – however the cost of fuel generally makes it less likely that material would be coming from areas outside of the identified service area. No changes to the FEIR are necessary.
SBB-91	This comment recommends that the applicant fund a street sweeper to sweep the intersection of State Route 227 and Noyes Road. The Landfill is responsible for controlling dust and fugitive trash emanating from the Landfill. Sweeping the entrance to the Landfill, if soil residue on the roadway is causing dust, would have the potential to be applicable to sweeping requirements. Such a determination would be made by the County Monitor. No changes to the FEIR are necessary.
SBB-92	This comment questions how berms would attenuate noise as heard from the commenter's house. Noise berms, when placed between the noise source and the receptor have been shown to lower noise levels by 5-15dB; however as noted in the EIR, the range of activities and proximity to property lines makes it infeasible for all noise levels to be reduced below thresholds in all cases. At this point it is infeasible to identify exactly what benefit the proposed mitigation measure will have on each individual property. No changes to the FEIR are necessary.
SBB-93	This comment states that the installation of sound wall would reflect noise up to the commenter's home and that a noise expert must be funded to determine correct mitigation measures. The applicant will be funding a qualified consultant to develop the Noise Mitigation Plan (NS/mm-1). No changes to the FEIR are necessary.
SBB-94	This comment states that the applicant must not take away the commenter's views of the Edna Valley. The County does not regulate private viewsheds as part of the CEQA process; therefore it is not part of the EIR. With respect to loss of property values, please refer to

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	Section XI.F, Property Values. The courts have specifically rejected consideration of economic concerns, for example "the economic impact on small businesses on property values" does not trigger CEQA. No changes to the FEIR are necessary.
SBB-95	This comment states that there is no one-time payout for noise. This is likely in reference to NS/mm-3, which allows the applicant and affected residents to enter into a financial agreement for which an affected resident would receive a fee to be used for noise mitigation. County staff recognizes that there may be challenges associated with implementing NS/mm-3 but also recognizes that feasibility of implementing the measure cannot be completely eliminated. The County is required, per CEQA Statute 21002 and Guidelines Section 15126.4(a)(1), to recommend such a mitigation measures because NS/mm-3 attempts to reduce a Class I Impact (i.e., significant unavoidable and adverse), and has the potential to reduce impacts. The County Monitor (recommended per AES/mm-2) would track the applicant's compliance with this measure. The fee payment component of NS/mm-3 (option 3) requiring the applicant to make a one-time payment to property owner of the affected residence is intended to be consistent with Noise Element, Chapter 4, Implementation Measure 4.14(f) and to provide the owner of the residence with money to implement noise mitigation on their own accord. County staff has recommended that NS/mm-3 remain as part of the FEIR.
SBB-96	This comment recommends the use of electric trucks to reduce transportation noise. The EIR concludes that transportation noise resulting from the proposed project would be less than significant. No changes to the FEIR are necessary.
SBB-97	This comment recommends bringing back the falcon program. Per HAZ/mm-3, the applicant would be required to actively control the gull population but the applicant has discretion on how to best accomplish the objective of the mitigation measure. The County Monitor would be responsible for determining the applicant's success and recommending further measures if necessary. No changes to the FEIR are necessary.
SBB-98	This comment lists the various permits required for Landfill operations. No response to this comment is warranted and no changes to the FEIR are necessary.
SBB-99	This comment states that the County must adopt all conditions and mitigation measures in the proposed permit, the 2009 DEIR, and the 2011 REIR. The proposed land use permit would consist of mitigation measures found in the 2009 DEIR and 2011 REIR, which will be subject to revisions at the pleasure of the County Planning Commission and Board of Supervisors. Additionally, those decision making bodies have the discretion to add additional mitigation measures and conditions of approval as they see fit. No changes to the FEIR are necessary.

2275 Corbett Canyon Road
San Luis Obispo, CA 93401

July 11, 2011

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 Recirculated Draft EIR

Dear Mr. McKenzie:

Thank you for reissuing these sections of the EIR for the Cold Canyon Landfill's request for a new permit for expanding the existing operation.

I think the delay was good as it is correcting erroneous information that was becoming the basis for decisions which is wrong. Those changes materially affect this revision for the better as the decision makers now have more factual input for a fair and reasonable review and decision.

I think the drafters of these revised sections have done a better job and should be commended for their efforts.

But I would like to state on the record again, contrary to what has been said about the neighbors of the landfill, it is not the neighbor's intent to shutdown a permitted source, and it is not the intent to shutdown the existing landfill operation.

However, we do expect the landfill to operate according to County codes and all the conditions of its permits. We have been frustrated these past years with a lack of enforcement of those conditions and County Codes.

What is also apparent is that prior to the issuance of the DEIR in 2009, most of the neighbors assumed that the landfill's permit conditions were generally policed by the County or were not aware that conditions even existed. As review of the first DEIR occurred over a short 8 week period, few people were really aware of all of the conditions CCL was to operate under, the conditions impacts and supposed benefits to the neighbors. In the last 2-1/2 years, neighbors have paid more attention. As such, the project application and impacts have been able to be more closely scrutinized while the landfill is operating, as opposed to during a short time frame. The neighbors are also able to evaluate the County's responses to CCL violations of permit conditions and have been able to see what is effective and what doesn't work. That is why the comments are extensive. Neighbors are watching for compliance when the County has not been able to be watching.

1. Representation of permit being an expansion vs. a new use. The current landfill permit has a set life, when the hearings occurred in 1991 the decision to issue a permit for this location was based on that set life span, as represented by Cold Canyon's management. It even went so far as to construct a model of what the landfill would look like when filled, with little trees, grassy slopes, etc. to obtain the local city government's endorsement of this location. Even CCL's attorneys represented that the 1991 permit was just an interim project. They state; "The proposed expansion is merely an interim project which is designed to provide additional landfill capacity for those areas lying in the Cold

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Canyon wasteshed area" (*Andre, Morris & Buttery correspondence to John Nall, February 11, 1991*). The Planning Commission approved the project, based in part, on those representations. They were never disputed as facts. People bought properties in the last 20 years in reliance on those representations by Cold Canyon, by County staff, and in written documents. What we want is the County to acknowledge that and abide by those past decisions. This RDEIR should refer to the project as not an expansion, but as a new permit adjacent to an existing and limited life use. It should also reference very clearly that the issuance of the permit 20 years ago was over the objections of the existing neighbors, was acknowledged to not be the best location, and was one of those, "it's only a one time permit we are allowing" issues.

2. Question on the wisdom of this project. This project is disturbing. The County has had one crack at issuing an EIR. The document was woefully deficient, I alone submitted over 233 comments on 69 pages, just questioning the technical aspects of the EIR, not even getting into the political aspects or my personal feelings of issuing a permit. The County now tries reissuing a recirculated draft EIR, to correct just 3 of what it felt were the most serious Sections that were pointed out, where serious flaws existed. It took 2-1/2 years to get those things reviewed and reissued. In the interim 2-1/2 years, the neighbors have had a chance to really observe the operation and how it exists compared to how the DEIR thought it impacted the area. This letter on just the three issues is 45 pages with 178 more technical questions and comments. And I have hardly spent any time looking at it. I have not even had the chance to comment on how my original questions on these matters were incorporated, if at all. But I know the answers will not be complete. I know of no other EIR that has had this depth of strictly technical comments and comments on engineering errors. In my talks with other reviewers of EIRs, they have never seen this breadth of comments on such a small project. And it isn't something about me not wanting the project; other than one comment in this letter, I have tried not to interject any of my personal views of the expansion, I am working as a technical consultant for the neighbors.

The answer can only be one of two things. Either, the many authors of this EIR are very bad at their jobs and are totally out of their field in trying to write an EIR. They are so bad that one has to question how they got the job because they have no engineering expertise or practical sense. BUT, WE KNOW THIS IS NOT THE CASE. They have prepared many other EIRs, the consultants used have been in their businesses a long time so have the experience and knowledge about what they are doing, so this answer can't be the case. I don't think that they have not had this depth of comments before and they have had harder projects to deal with.

The second possible answer is the most simple and obvious one. The project is a bad project in the wrong area and the County and the consultants are trying to fit a square peg in a round hole. This is on the premise that 1) a landfill currently exists there, so a new larger one there should not be a problem; and 2) threats by the applicant that if the County doesn't approve this, there will be no place to dump trash, it will build up in the streets, dogs will start sleeping with cats, and people will be upset. (Note this is untrue, the sky is not falling).

The length and number of comments points to the second answer. In addition, look at the table showing the number of residual Class 1 impacts that was presented in Table VI-2 on page VI-20 in the first DEIR (before corrections from the neighbors), compared to the potential residual Class 1 impacts for any other site. Technically, almost everything that is proposed can be ripped to shreds because it is a bad project. Maybe that is why 20 years ago the Planning Commission decided to allow this landfill just once here, with no extension, and the applicant was supposed to find a new location while it was using the Cold Canyon site as an interim site. And that is with very little review of

the project in 1991 as it did not know what the project would really morph into. That is what Cold Canyon represented to get the permit 20 years ago...

It is not wrong to say that the project is the wrong project in the wrong area. Not every project needs to be approved just because someone applies for it. Use discretion.

3. Environmental Impacts and Mitigation Measures, Compliance Issues. On Page V-1 under Project Specific Impacts and Mitigation Measures, it states on the 4th line that "mitigation measures must be *enforceable* and feasible." The CCL has operated for the last twenty years under numerous permits, some issued after the benefit of an EIR hearing, some without. Neighbors have complained over the past 2-1/2 years about the landfill not complying with both conditions of approval and County Codes, and to us it appears the current regulatory framework does not have adequate or effective enforcement. These mitigation measures must be enforceable, or else the EIR is defective in prescribing mitigation measures that do not meet the enforceable criteria. In addition, most of these mitigation measures after implementation of them still remain Class 1 impacts. As proven over the last 2-1/2 years, many of the previous mitigation measures were either unenforceable, or not enforced. When the neighbors pointed out violations, nothing was done that was effective to get compliance. I call attention to the measures on the backup beepers, the noise (that even in this RDEIR shows is in violation), the lack of dust control, the lack of controlling odors, the lack of having the follow-up 12 month hearing on the composting, the lack of offsite water control, just to name a few. Compliance for some took over a year to achieve.

There need to be a mitigation measure stating the enforcement mechanism, the path, and the penalties, because there is more than adequate proof over the last 2-1/2 years of the lack of enforcement and compliance that by itself, now becomes a Class 1 impact. It needs to be addressed.

The many impacts stated in this RDEIR and the DEIR remain Class 1, meaning any proposed reasonable mitigation measure must be adopted. Therefore, shouldn't this concept be adopted as a mitigation measure? If not, the entire permit will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be enforceable and feasible" (*SWCA RDEIR, page V-1, 5th bullet point*).

4. Inclusion of Water Treatment Plant Sludge. Section B, page I-2 states in the 2nd paragraph that the ASP process is implemented to "aid in the composting of the additional materials proposed to be included in the operation, such as... wastewater treatment plant sludge". Yet on Page 1-3 at the bottom, point 2, it states that CCL has requested that the feedstock for the CO not include wastewater treatment plant sludge and/or biosolids.

Which is it, is it in or out of the composting mix? In a verbal response to a question at the meeting on June 22nd, the neighbors were to understand that the wastewater treatment plant sludge and biosolids were out of the composting mix, but to be allowed in the landfill portion of the project. My comments are based on that representation.

5. Wastewater treatment plant sludge burying mitigation measure. Since the wastewater treatment plant sewage sludge is to be landfilled, there needs to be a mitigation measure for this. It is my understanding that in past years as soon as the former manager became aware that it was coming in, he would immediately cause a hole to be dug in a remote area of the landfilling section, and buried it in a matter of an hour or so. This way the odors were greatly reduced. It is my impression that the old manager's system is not being done now. In addition, if a load like this comes in at 4:55 PM, the neighbors will smell it all night long with a time frame of 4 hours to cover. I suggest that a mitigation

measure be included that requires wastewater treatment plant sludge and similar odiferous products to be buried within 1 hour of receipt. No place does it address odors from this part of the landfilling.

6. Inclusion of Existing Operating Permit Conditions. The landfill currently operates under multiple permits for the landfilling, for the compost operation, for the MRF, and for the RRP. The status and the current impacts of the current operations are what they are today because of the general attempted adherence to those conditions by CCL. The original impacts may or may not be adequately addressed or reiterated in this RDEIR or the DEIR because those mitigation measures that were adopted in the past and are masking the problem. If those conditions and mitigation measures had not been in place three years ago when the authors of the DEIR made their survey, the "existing" conditions would be much different and the environmental issues much worse. As such, as mitigation measures, this RDEIR and the DEIR must adopt all of those mitigations in the current permits, in addition to the ones proposed in the 2009 DEIR and the 2011 RDEIR. If they are not included, then the RDEIR and DEIR must state why they are not adopted, why a relaxation of a mitigation is allowable (the impact thought to occur did not occur), and why the old mitigation is not effective or why a different mitigation is more effective at dealing with the impact identified in either 1991, 1996, or 2001, along with those identified in 2009 and 2011.

A good example is the mitigation measure for keeping the seagulls off the working face. In 1991, the EIR concluded that it was an impact, and stated a mitigation measure requiring wires to be strung above the face. This EIR should state very clearly that the wires are the existing mitigation measure, it was shown to be ineffective because ???? and it has been replaced with the mitigation measure to use falcons.

Another example the opposite way is condition 8 of the MRF, permit #D960087D. It requires CCL to inspect the surrounding properties each day and if litter is discovered, it shall be immediately removed. This condition has not been included in this RDEIR. Therefore, this RDEIR must state that the condition (which had a proven impact in 1996, hence a mitigating condition) is not being incorporated because ?????. I cannot think of any justification, but by removing the existing condition, the original impact now reoccurs and it has not been mitigated. (Note, I do have a comment about it, comment #57, but without that comment, this RDEIR is deficient.

This needs to be done for each and every condition of the existing permits.

I believe the following conditions are of key importance to carry forward or insure that the protection the condition was designed to afford is still included or enhanced. They may or may not have actually been implemented correctly. Some of the conditions, while written for one part of the project should be applied to all parts of the project. It appears that they may have been overlooked in the RDEIR or DEIR:

MRF, Permit # D960087D:

Condition #	Issue (general concept)
6, second sentence	Effectiveness of litter control fence may require changes as determined by the mitigation monitor
8	Daily inspections of adjacent properties for litter and cleanup
9	Inspections of property for litter, and sources controlled as needed and as proposed by the County (plastic bags are seen very often below the working face of landfill)
13a	All MRF activities to be indoors (except as called out by this application)

13b	Vehicle trips time and route
13c	Backup beepers turned down to the maximum extent allowed by OSHA
13d	Keeping truck doors closed at all times
13e	Shut engines off while waiting to unload
13f	Engines not left running for longer than 3 minutes
14e	Doors to be electrically operated and insulated (it appears they were not insulated)
14h	Berm height condition and performance standard base to determine mitigation effectiveness (50 dBA at property line)
15	Effectiveness and modifications after startup of noise complaints. Required investigation of noise complaints by the County P&D
17	Review of unresolved written complaint by the Planning Commission
24-27	Outdoor lighting
31a	Disturbed areas watered twice per day (Note- this also includes weekends, for which it does not appear to be performed now)
31h	All trucks hauling dirt are to be covered (neighbors see dirt coming off the trucks hauling from the stockpiles regularly)
31i	Highway 227 swept at the end of each day if soil transported offsite (just in the last year was a system finally put in place)
33b	Dust control on all landfill roads (partially done now)
33c	If dust is a problem, road from 227 to be paved
37	Drainage facilities built for 50 year storm (note, drainage facilities overflowed this year with a less than 2 year storm)
39	Reiterates water testing and RWQCB status in the system
43	Requires retention basin to hold rainwater, but after the storm to continually release the captured water for maintenance of wetland vegetation. Note, if this is actually done, the comments I make in the water section below about the amount of the availability of stored surface water available for use at the landfill is in error.
46-47	Mitigation monitoring and reimbursement to the County (not done now is my understanding)

Composting, D000281D:

Condition #	Issue (general concept)
Finding C	Requires that the project not be detrimental to the health or welfare of persons residing in the neighborhood of the use.
Finding E	Requires Highway 227 to always remain above a Level of Service C
12	If access road has dust problems, it is to be paved or a dust palliative to be used. There have been numerous dust problems, but the standard the APCD uses is if the dust leaves the property. It does leave, as evidenced by the dust on Bergantz's trees, but enforcement and compliance with the improved road standard has never been acted upon. The standard here is dust, without the criteria of leaving the property
17b and c	Dust leaving the property

Composting, D950031:

Condition #	Issue (general concept)

Finding C	Requires that the project not be detrimental to the health or welfare of persons residing in the neighborhood of the use.
1.f	Mechanical equipment limited to the hours of 8 AM to 5 PM
1.f	Backup beepers shall be adjusted to the minimum level approved by OSHA (Note: CCL acknowledged publically the neighbors position was correct, but they still refused to comply with the condition)
2	Access road to be stabilized with an appropriate dust palliative; if dust becomes a problem, more stringent measures including paving is required
7	If odor is a problem, LEA also has the authority to require the greenwaste to shutdown.

7. Startup of composting with the ASP process or not?, differing statements in various places of the RDEIR. The report is very confusing about the startup of the composting. The application was based on using the windrow technology for composting. The water use numbers are based on that, the equipment usage, the employees, the techniques, the past odors, etc. But throughout the report, I got the impression that the composting will only start with the ASP process. That is one of the mitigating measures. I suggest that you go through carefully and look where the composting processes and conditions and mitigations are described and clarify any conflicts.

8. Section B, page I-3, paragraph beginning "It should be noted...". The last sentence states that: "This EIR does not *necessarily* include enough information...". I think the word "necessarily" should be taken out. The EIR absolutely does not include enough information. If the response to this comment is that the EIR does include enough information, then this is contested on all aspects of which an EIR is required, that the impacts to traffic, odors, water, noise, health issues, air pollution, number of employees, energy consumption, etc. have not been identified, reported to the public, allowed to be commented upon, or mitigated. It hasn't even identified which of the two processes it would be using; how could a determination be made in any way that there is enough information here?

9. Section B, page I-3, Put the Composting in a Building. The alternative of putting the composting in a building was not addressed anywhere. Waste Connections uses this technique to control odors in Puyallup, Washington as was pointed out 18 months ago. See the pictures on the next page. Other companies do it for odor control. There are many other benefits of putting it in a building as opposed to the ASP or AD processes. It was addressed at the Revocation Hearing. Something needs to be put in this Section about it, and also addressed as a possible mitigation measure along with the ASP or AD processes.

10. Section C, page I-3, second to last sentence from the bottom. Since the reference is made to the currently *permitted* capacity, the fact that more proper water studies were done for this RDEIR that indicate that there may not be enough water to even sustain the existing operation of 100 TPD, I think reference should be made that the *existing permitted* composting operation received its permit *without* the benefit of an EIR and a review of water availability. Without that clarification, it begs the question, "How was it permitted before?"

11. Leachate collection system, page III-9. Elsewhere the new portions of the RDEIR reference the new NOV's CCL has received from RWQCB about leachate seeps and releases. That information should also be included here as it is material about how the leachate system operates.

12. Daily Filling and Cover Procedures, page III-10, first full paragraph, last sentence. As evidenced by the fact that the section on odors had to be redone, I suggest that the sentence be modified to read: "The daily cover attempts to control litter and odors and attempts to discourage vectors until additional waste is placed and compacted the following day." The daily cover does not control odors or vectors, but is a good faith effort to attempt it. While this could be interpreted as new information, it is based on the results of the odor complaints over the last 2 years, hence a justifiable change.



Waste Connections' Puyallup, WA composting facility in a building

13. Drainage Control, page III-11, 2nd paragraph, second line. The wording states conclusively that the basins have been designed to accommodate flows resulting from 100-year, 24 hour storm events. As evidenced by the RWQCB NOV's that are referenced in the new sections, one of its requirements was that CCL was to increase the size of the retention basins to accommodate the 100-year, 24 hour storm as the basin quickly spilled in the last years with 5 year storm levels. It may have been a condition in the last permit, but it was not complied with as a permit condition and is material in this paragraph. While this could be interpreted as new information, it is based on the results of the NOV's that this EIR has added, hence a justifiable change.

14. Compost Operation description, page III-11. This paragraph describes the compost operation as it operated over a year ago. As described in the new section, it is not operating today. Therefore, the paragraph should be prefaced by something like, "The compost operation operated until September (?), 2010, when it was voluntarily shut down by CCL. Prior to that when it was operating, it operated this way...". {Use better wording, mine stinks} While this could be interpreted as new information, it is based on the wording elsewhere in the new sections about the current status of the composting, hence a justifiable change.

15. Compost Operation, page III-11, second full paragraph. The compost turner and tub grinder were not used weekly; it was more like they were used 2-3 times/week if not more. When it was used less frequently, like in the December, 2009-February, 2010 time frame, the raw material began an uncontrolled decomposition that really caused more odor complaints when the pile was disturbed. One of the first things CCL attempted was to grind the material on a daily basis as it came in and spreading the material into windrows daily. This correction is important because it starts to explain why there were so many odor complaints. While this could be interpreted as new information, it is based on the wording elsewhere in the new sections about the current status of the composting, hence a justifiable change.

16. MRF Hours, page III-12, 4th sentence. Here it states that the MRF operates from 7:30-4:30 PM, seven days per week. In the draft EIR, page III-26, the statement right above Table III-4 says that it does not operate on weekends. Based on my observations, the draft EIR correctly states the hours; it does not operate on weekends and there is no weekend processing. This section needs to be corrected to show that there is no weekend activity now.

17. Leachate monitoring, page III-12, 2nd sentence. The leachate can be used for dust control only over the lined areas. This is important because of the RWQCB NOV's and the offsite water runoff; and it should be clarified that this water is not allowed to go offsite. It states this elsewhere, but it is hidden.

18. Nuisance Controls/Odors, page III-13, 4th sentence. As with the previous comment about daily filling and cover procedures, it should be clarified that the odors are attempted to be controlled through the use of cover materials. Again, this is new information based on the results of the odor complaints over the last 2 years, hence a justifiable change.

19. Existing Operations; e. Support Activities, 2) Nuisance Controls, (a) Odors, Page III-13. The first paragraph only addresses odors at the burying side of the landfill. There is no mention of the odors emanating from the composting. That is the whole purpose for the addition on the new study. A paragraph should be added here addressing only the odors from the composting. Also, since based on complaints, the largest source of odors is from the composting, it should be the lead paragraph and the odors from the landfill part of the operation should be the second paragraph.

20. Existing Operations; e. Support Activities, 2) Nuisance Controls, (b) Vectors, page III-14. This write-up addresses a falcon/hawk program as a successful program to reduce the seagulls. This is new since the issuance of the draft EIR, so is available to be commented upon. The program at the time of the issuance of the DEIR was just a falcon program that was successful. This last year, 2011, CCL fired the company providing the 6-9 falcons in 3 shifts and replaced it with a lower priced company who ran 4 falcons and 4 hawks and were at the landfill only part-time, not during all of the operations when the seagulls were there. The new company was to only put in 8 hours/day, not on weekends, no overtime, yet the seagulls operate on a 10-11 hour day, seven days/week. In addition, the hawks do not strike the seagulls in the air repeatedly; the hawks only attack once or twice when

the seagulls land. As such, the seagulls were not deterred when the hawks were used; causing maybe 10,000 seagulls to now dine at Chez Cold Canyon. That program was not as successful as the 100% falcon program. Again, for the sake of completely describing the issues, I suggest that a paragraph addressing the conversion from a falcon to a falcon/hawk program, and the large number of birds that then became present. Mr. McKenzie has copies on many letters from neighbors about the problem, and also letters when it looked like it cleared up. It is also addressed in the vector section of this RDEIR.

21. Water Supply, Page III-15, first paragraph. The "approximately 35 AFY" figure at the end of the first paragraph needs to be corrected to "34.1 AFY", or "approximately 34 AFY". Please refer to table V.K-9. Also, as opposed to be so firm with "estimated that these sources could supply...", I think the language back on page V-249, "it could potentially provide" would be better used. The appendix is fuzzy about the water availability, so it would be wrong to have a very definitive statement made here that the water definitely is available. It also needs to reflect the loss of production if rainwater is held and used as described in comment #161.

22. Water Supply, Page III-15, second paragraph. Again, it states that "it has been estimated that this demand could be as high as approximately 17.4 acre feet per year". No, it was measured that that was the demand. See Table V.K-8 on page V-248. It wasn't that it "could" be as high, it was. If it isn't please provide the source of the errors why the measured numbers are not correct. It is something CCL would want to see.

In the usage section, the water use by the landscaping was ignored as was the water construction for the module construction. To be a fair unbiased report, a paragraph about the landscaping use (50% of the total past water use the first year) and the module construction (1.6 acre-ft), stating the use is sporadic (which I disagree on the landscaping but that will be addressed later) should be added.

The appearance is that the water consultants are trying to fudge the numbers to cover up a major engineering error on the first report by rounding up the available water and rounding down the usage of water, to lessen the magnitude of the error. Please just present the data impartially without imparting a spin on it. The consultants erred on the first draft big time, let's just get it right now and not have to go through this again.

23. Existing Permit Conditions of Approval, page III-15, 3rd paragraph. In the landfill section, it clearly states and goes into great length about the EIR. Therefore, for an unbiased report, the 1996 Development Plan paragraph and the 2001 Development Plan should also have wording that these permits were issued without the benefit of an EIR or any public input. This was information known to the drafters of the original DEIR, it was not known clearly to the public, and should be included here in the spirit of full disclosure. While this comment may be late, failure to include it can be used against the County as evidence of bias.

24. Figure III-7, Existing Monitoring System. This drawing shows where stormwater flowing offsite is being monitored. The last two years, stormwater flowed offsite to the west of the detention basin at the most southerly point of the existing landfill property. It is not shown as a stormwater discharge sampling location. The flow offsite was a very large quantity, reported to the County and to the RWQCB, witnessed by the County EHS. Why is it not a sampling location? The water flows under 227 and across Larry Viles property. Please check to see if a sampling point was left off the map, or if water is not sampled here, but needs to be sampled in the future. One can see

the outfall as a creek on the aerial photo. It is shown as a future sampling point on Drawing III-10 as HD-2.

25. Section D, Proposed Project, page III-23, point 4. This point indicates that the proposed project includes modifying the Compost Operation by allowing more and different materials to be composted. This conflicts with comment #4 noted above, where on page I-3, where CCL has requested that the compost not be expanded and different materials are not added. Again, this presents a problem. What is the mix we are supposed to be commenting upon, and how can an EIR be issued where even the authors do not know what is being proposed enough to allow the public to review and comment upon?

26. Table III-3, Existing and Proposed Daily Tonnage Limits, page III-25. This table now conflicts with my comment #4 and the above point. It shows composting as limited to 300 TPD in the future, but the first pages of Section I show that it is being increased.

27. Description of Expansion, point b, page III-25. Here it describes that the applicant is proposing to add bag or in-vessel composting. There is no information provided about this, in either the draft EIR or the RDEIR. Since these comments are supposed to only address the issues of Noise, water, or hazards, it appears that the public may have missed an opportunity to comment on these aspects as nothing was provided in detail about these techniques or procedures, due to a failure by the authors to investigate these. Due to this potential limit, where is any information about the amount of water that must be used in the bag composting? How much water must be used for the in-vessel composting? What is the layout of the in-vessel composting? How far is it away from the water wells and how much energy will it take to operate these vessels? How is the water added to the system? What sort of water treatment is required? How is the water disposed of? How much noise does the bag process make? How big are the fans? How much energy do they use to run the noisy fans? Where will the fans be located? What is the dBA level of the fans? How much smell is emitted from the bags when they are opened? What is the peak increase in the cancer potential from opening the bags that have fermented compost in them? If the odors are sucked off the bags or the vessels, how is it disposed of? By a flare? Was the flare included in the air emission calculations? Why is it not disposed of in a flare? That is the best way for destruction of odoriferous compounds. Will the bags, when opened have the potential of blowing across to neighbors properties? What is the mitigation for this and for every other question in this paragraph?

28. Description of Expansion, point c, Adding Water Treatment Plant Sludge to the Compost Mix, page III-25. This is in conflict with what has been written on page I-3, point 2 as previously discussed. For this comment letter, it is assumed that the statements made by CCL management, by the County staff, and what was reiterated on page I-3 is correct, water treatment plant sludge will not be added to the compost mix. If this is incorrect, this DEIR and RDEIR are deficient in describing and analyzing this aspect of the project, and have subsequently misled the public in a deceptive and fraudulent way. This does not meet the requirements of CEQA.

29. Construction of New Scale house, Page III-26, Section 6. While this is not a section that none of the three revised sections touch upon, I ask this question/make this comment in the hopes that the drafters of the DEIR and RDEIR try to connect the dots of my traffic comments in this letter and my previous letter on the DEIR in 2009. Currently, there are 2 scales. One handles inbound and one handles inbound and outbound traffic, but primarily inbound traffic. The traffic section of the report says that currently there are 660 vehicle trips/day (round trip) and it will go to 860 VT/day. Of that 200 vehicle trips, 50 are employees, not needing the scale. Why for 150 new trips (75 vehicles), would the operation need to add 3 scales and add space for a 4th so there would be 3

inbound dedicated scales? It is only 75 vehicles, and based on the mix of vehicles, the DEIR did not identify that they would all be large trucks or small cars. And it did not identify that it was anticipated that to be a surge type situation, where the 75 vehicles would all hit at one time. So adding one scale for a 10 hour intake period would only have to handle 7.5 vehicles/hour, one every 8 minutes or so. Why would space even have to be reserved for a third scale? I realize that there are backups at times now, but doesn't this just beg the question for the drafters to look again at the traffic counts for increasing the throughput from a current 685 TPD taken in to an allowed 2,350 TPD???

30. Existing and Proposed Hours of Operation, Table III-4, page III-27. The hours of operation of the landfill are proposed to be increased to 5:00 PM. This is an increase in the amount and length of noise. In addition, this means that loads taken in at 4:55 PM will not be adequately covered because it takes time to cover the material just dumped. The DEIR and RDEIR are in error stating that the landfill material will be covered after dumping which is an impact that has not been mitigated, especially the late loads in the day, and both are also in error based on the noise impacts, because the heavy equipment to compress and spread the cover will be longer.

I suggest that a mitigation measure be added that reduces the acceptance of trash that will be landfilled or composted to be 4:30 PM for commercial and the general public, to allow the impacts to be mitigated related to noise and cover for vectors to be correctly implemented.

31. Miscellaneous improvements, third paragraph, page III-28. The landscaping plan is to grow oak trees. This is why the landscaping use of water is so low and stops after 3 years. It is not practical or reasonable to use the growing of oak trees as a way to reduce water consumption, and then claim that it will also provide effective screening. Oak trees grow very slowly. How can that be considered landscaping or in any way blocking the view for aesthetics if it doesn't even get to 5 feet high after 15 years? How can a mitigation measure be considered effective if the tree only grows to its effective height in 40 years? The landscaping with oaks will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be...feasible". Therefore, saying that water usage will be down because of the oaks is wrong. The water usage will be up and will continue for much longer than the 3 years listed in the landscaping section of the water chapter because the oaks will not work as screening, and a higher water usage plant will have to be used. Please modify either the landscape mitigation measure to be a faster growing tree and adjust the landscape water usage section to reflect the higher and continual use, or add a mitigation measure in the water section that limits the landscape water to that shown in the Table V.K-7, and if that landscaping does not work, the compost use of water (because it is the only water usage that can be reduced) must be reduced thru a reduction in compost production.

32. Landfill Closure and Long Term Maintenance, Section 10, page III-29, 4th paragraph. Here it states that the composting may continue on the top deck after closure of the landfill. The composting has been the source of the most serious odors and problems in the past. The argument has been advanced that composting is necessary at the landfill and that is a symbiotic relationship. Because this statement says that it may exist after closure shows that it is not a symbiotic relationship and there is no nexus between the composting operation and the landfill. The landfill, if it did not exist at this location today, would not be a permitted use at this location. There are too many receptors in the area and the water usage does not support it. There is no nexus. Therefore, a mitigation measure should be added that does not allow composting on the top deck after closure. It is only being allowed now because of that symbiotic relationship.

If there is no relationship, then under project alternatives, relocating the composting elsewhere should be a real alternative, not passed off as symbiotic.

33. Proposed Module Detail, Figure III-9, page III-33. One can't read the cross-section definition (like A-A') on this drawing. This was reflected in my comment #12 in 2009 also. It hasn't been corrected.

34. Landscape Plan, Figure III-11, page III-41. The drawing of the landscape plan does not reflect the noise mitigation measure requiring a high berm on the south side of the property. It does not reflect any landscaping on that berm. If the berm is approved as a mitigation measure, which prevails, this plan that shows no berm but landscaping, or a berm, with no landscaping? It seems that this drawing needs to be updated, or a mitigated landscape plan showing the berm and the plantings on it needs to be prepared.

35. Hazards and Hazardous Materials, Existing Conditions, Section d, Birds, page V-176. See comment #20 above. The last 2 sentences need to be expanded to more accurately reflect the existing condition since it has been modified to reflect the information since the issuance of the 2009 DEIR. The landfill did establish a falcon program that was relatively successful. What needs to be added is that in 2010, it changed the program from a 100% falcon program utilizing 9 birds to a falcon/hawk program with 4 falcons and 5 hawks operated by a different contractor to save money. The 100% falcon program had the falconers at the landfill when the seagulls came in from the ocean and when the seagulls came later in the day, based on tracking their predictable movements. The falcon/hawk program operated for 8 human hours/day, I think they were not there on Saturday and Sunday and the contractor was not allowed to work overtime and was sent home when the seagulls were just coming in for the night feeding. The falcon/hawk program did not have enough falcons to continue to scare the seagulls off, as the falcons did get tired. In summary, the falcon program worked, but the falcon/hawk program was less successful.

This information should help the drafters of the RDEIR to craft a mitigation measure that better reflects the seagulls thinking about when the seagulls want to dine at the landfill, not a condition where man is trying to control the wild animal. It also will allow the condition to specify the more effective falcon control and not allow the falcon/hawk method the same way it does not allow the wires from 1991.

36. Hazards and Hazardous Materials, Existing Conditions, Section e, Fire Risk, page V-176. The RDEIR has been modified to reflect issues that have occurred in the last two years. However, it neglected to report as an existing condition the fact that in the last two years there were 2 fires at the landfill. One was in the disposal area and one was in the hazardous materials drop-off area. There may have been more, it needs to be checked with Cal-Fire. Neither of these sources of fire is addressed in the hazardous section, but they occurred. Information about these events should be included, and thought of possible mitigation measures should be considered. In addition, about 2 years ago, Engle and Grey's composting operation had a fire that burned for many days if not weeks. Fires in the composting area were not addressed. Possibly require the paint storage area to have automatic sprinklers installed or have a firewater monitor (nozzle) installed that could cover the hazardous material area. On the landfill side fire, the fire occurred at 2 or 3 in the morning, there really is not too much that can be done with that, so it probably needs to be shown as a Class 1 impact. On a composting fire, I think the same risk exists as for the landfill; but not too much that can be done.

37. Hazards and Hazardous Materials, Existing Conditions, Section f, Compost Operation, page V-176. For clarity and understanding of the existing conditions, if the RDEIR is going to list the permitted throughput, which is really a non-sensical number and not really affecting the existing

operation, a statement should be added to reflect what the current throughput is, just as has been done to reflect the current landfill throughput.

38. Hazards and Hazardous Materials, Existing Conditions, Section f, Compost Operation, page V-177. This last sentence states that since the applicant may want to restart to compost operation in the future, "this EIR still evaluates the potential impacts associated with modifying the Compost Operation to allow for more and different materials to be composted." Again, as brought forth in comments #4, #25, #26, what is the project? I see no write-up about biosolids being added in the odor section or calculations in the water section based on 450 TPD. This section is deficient and needs to either address the larger volume and the changed materials and reissue all related sections for public comment, or do as is implied by the statement about the applicant's requested changes to not increase the requested 300 TPD and elimination of the sludge and change the final sentence here.

39. Hazards and Hazardous Materials, Existing Conditions, new Section, Rainwater Harvesting/Drinking water system. I had to install a rainwater collection system on my property that is adjacent to the landfill's eastern boundary. It was done because on our 40 acres, there is not enough well water to supply a residence. It is right across the fence line from the landfill's monitoring well P-2. This system consists of 6,400 square feet of a fiberglass panels to catch rainwater for drinking and 65,000 gallons of contained storage tanks. It was permitted by the County in early 2009 and in operation in late 2009. The water collected is for household use, enough for a one year supply at our consumption levels. None of the collected rainwater is used for landscaping.

I believe that it should be identified as an existing condition since approval of new or expanded or continued operations at the landfill could impact my drinking water. We have already seen materials from the composting deposit on our roof and patio that are almost a mile away (those deposits documented by governmental agencies). It is highly likely that materials from the compost operations will be deposited on the panels and we will be drinking that material in a more concentrated form. It is like locating a composting operation next to a drinking water lake, but you don't have the benefit of hundreds of millions of gallons of dilution. When the composting moves to the top deck, it will be 600-800 feet away from my panels. In the case of composting emissions, the materials would most likely be spores, bacteria, fungus, endotoxins, molds, and other creatures that grow. Our water is treated with chlorine, UV light, one micron filters, charcoal and calcite filters and has a very long settling period to drop out the very small particles. I am not concerned with dust, although dust will be the indicator of collected bad things. There is a real possibility that we could become sick from this composting operation's relocation.

I would like to propose some mitigation measures for this, such as requiring the applicant to annually clean the panels just before the rainy season, so the collection of the last 8 months of particles can be discarded and not be part of the drinking/bathing water. The way I have the panels set up, it would be easy to do. I just need water to flush them off.

I also think that there needs to be a testing mitigation measure. Something like, if swab testing shows that contamination has or is occurring, then the applicant to be responsible for paying for continued quarterly swab testing to determine if the panels have been contaminated in the previous quarter. This testing shouldn't cost more than a few hundred dollars.

Then, if the water becomes contaminated, the applicant would be responsible to clean the water to its current pre-compost cleanliness that it is now (the water test reports have been provided

to EHS) and take out whatever has been added, if my system as designed and operated now is not enough. I think it is, but I don't know and the composting is not to move for another 10-15 years.

I don't know what can be coming off the composting, but the black smoke plumes don't inspire confidence that we won't get sick. It has been said that my treatment system is better than the city water treatment, but the city doesn't have to deal with concentrated products causing by decomposition.

I would be happy to provide additional details. It was started before the DEIR was issued, completed and in operation before the DEIR was deemed complete, before the RDEIR was issued, and before any permit was issued to the applicant for the new or expanded operation. This condition meets the requirements of an acceptable mitigation measure; it is enforceable and feasible, there is a nexus between the project and the impact, and my proposed mitigation measure is roughly proportional to the impacts of the project.

Under the CEQA thresholds of significance listed on Page V-182, an impact is considered significant *if it will substantially increase hazards due to a design feature or incompatible uses*. Locating a compost operation generating highly concentrated spores, bacteria, molds, and fine dust next to a drinking water collection system is definitely is an incompatible use. What I propose are fair mitigation measures.

Under the Impact Assessment and Methodology, Page V-183, it states that the analysis focuses on *potential* health risks associated with the proposed project, particularly *from surrounding land uses where the potential for hazardous material release could be encountered*.

But of course, how does one put a value on human life and sickness? I am not asking that the composting be shutdown, just protect my family's drinking water supply. I am reasonable.

40. Review of Air and Water Monitoring data, Page V-177, Leachate Section. This section is incorrect. RWQCB detected leachate seeps in the last two years as documented by the NOV's issued (Feb 11, 2010 NOV, March 21, 2011 NOV, June 27, 2011 NOV). This section needs to be updated and appropriate mitigations added to cover these environmental miscues.

41. Review of Air and Water Monitoring data, Page V-177, Surface Water. This section is incorrect. RWQCB detected surface water runoff as documented by the NOV's issued (Feb. 11, 2010 NOV, March 21, 2011 NOV, June 27, 2011), yet this RDEIR states that it *may have* impacted surface waters. It did impact surface waters. This section needs to be updated and appropriate mitigations added to cover these environmental miscues.

42. Odors, Page V-179, first paragraph at top of page. The words "trash is tipped on to the disposal area" and "when compost is turned and handled" should be reversed. The most and worst odors come from the composting windrows. This is evidenced by the number of odor complaints that occurred while the compost operation was in operation, and then, the almost zero odor complaints after the composting ceased. While I expected there to be a reduction of 75% of the complaints after the shutdown, it actually was more like 95-99%. As such, the leading issue in the odors (and it should be listed that way) was the composting when it was turned and handled. It is a more linear writing style, from biggest concern to lesser concerns to focus the reader.

43. Wording Suggestion, Odors, Page V-179, first paragraph at the top of the page. I suggest the words "Generally, daytime breezy conditions combined with physical separation from

residences helps dilute landfill related odors for surrounding properties” is kind of wishy washy and I don’t think describes the problem accurately. I suggest that it be worded, “Although daytime breezy conditions combined with physical separation from residences helps dilute landfill related odors for surrounding properties, there still were many odor complaints.”

44. Odors, Page V-179, first paragraph at top of page. As this is describing existing conditions, this paragraph combines the compost odors and the landfilling odors and it becomes confusing reading this. I suggest that the landfill odor sentences be broken out into a separate paragraph from the composting odor issues. They are two very different animals.

45. Odors, Page V-179, second paragraph at top of page. This paragraph just jumps into a statement that the odor complaints increased in 2009. That can be implied that they were made up. I ask that the true history be recited here, somewhat as follows: First, replace the first sentence; “In 2009 odor complaints from neighbors increased substantially” with the following which more accurately describes what happened.

“In 2001, the applicant applied for and received a permit to expand its existing compost operation. In 2004, work was completed on that expansion and a higher throughput started. An increase in odors was detected by the neighbors. They registered complaints to the landfill management and to the scalehouse operators (*testimony to the Planning Commission, November 4, 2010*). A few complaints were registered with the SLOAPCD, but since it was not the regulator overseeing compliance, nothing was done. A condition on the applicant’s CalRecycle composting permit requires that any odor complaints received by the landfill were to be reported within 24 hours to the CalRecycle so it could investigate (*Condition 16.e, facility # 40-AA-0017*). In the period of 2004 through 2009, none were reported by the applicant to the State (*FOIA request by neighbors, November, 2009*). There was not an independent process in place to record and transmit that information to the proper enforcement at the State level. The 2009 DEIR concluded there were minimal but manageable odors because of this lack of record, contrary to what the neighbors knew and had reported. The neighbors began logging the complaints to a single point contact who would relay the complaints directly to the State and to all of the County agencies on either a real time or a weekly basis depending on the severity and number of simultaneous complaints.”

46. Odors, Page V-179, second paragraph at top of page, statement beginning with “During that time...” This statement is incorrect. The landfill did not start to work with CalRecycle from March, 2009 until July, 2010. The landfill only began working with CalRecycle in January, 2010 after 310 odor complaints had been registered; the neighbors had met with the County Supervisor, had spoken twice to the Planning Commission, and had spoken once to the local IWMB. Please set the facts out correctly.

47. Odor Impact Thresholds, Page V-183, first full paragraph. It states the APCD’s “specific threshold of significance should be based on ‘a review of odor complaints for similar facilities’ “. This leaves the reader hanging. There are similar facilities in the area, Engle and Grey’s composting facility in Santa Maria, the Chicago Grade landfill in Atascadero, the Santa Maria landfill. The EIR for completeness should check with the APCD and CalRecycle and see how many odor complaints have been received by them for those operations so a basis may be provided for a decision and for justification of any mitigation measure.

48. Odor Thresholds, Page V-183, second full paragraph. The BAAQMD thresholds require that a complaint be verified by a third party to be considered valid. As all parties know, this

has been the issue on odors (and all other complaints dealing with the landfill's operation these past years) because the regulating agency has the nearest inspector in Sacramento. The RDEIR has the provision for a new position, an (almost) onsite monitor to respond to neighbors complaints, but questions have been raised by CalRecycle that it would not be able to accept that person's nose. In the current SLO Planning Department's events ordinance, while it says that complaints must be confirmed by County Enforcement, it also allows complaints to be verified by the Sheriff's Department or the APCD (Section H). To be fair and equal handed, I suggest that throughout the RDEIR (and DEIR) that any complaint verified by the Sheriff's Department, the APCD, or the Environmental Monitor also be accepted as if were verified by County Enforcement. If not, the permit will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be enforceable and feasible" (SWCA RDEIR, page V-I, 5th bullet point).

49. CalRecycle as LEA. If CalRecycle will be the LEA on any part of the project, an agreement with them is a necessary condition of this permit to meet the effectiveness of the CEQA rules. That agreement must require them to enforce each of these conditions, not the ordinances of the Health and Safety Code, as if it were State Law. If that agreement is not in place before starting the new permit, then the entire permit will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be enforceable and feasible" (SWCA RDEIR, page V-I, 5th bullet point).

50. Fugitive Trash, Page V-185, first full paragraph. The first full statement states that to prevent fugitive trash, the Landfill will compact waste immediately after disposal. With this permit application, this will now be impossible if waste can be accepted be up till 5:00 PM and the landfill must shutdown at 5:00 PM. It takes about 30 minutes to install the cover on the landfill face. I suggest a mitigation measure be added that limits acceptance of trash up till 4:30, which will give adequate time to offload, compact, and then spread the daily cover on the waste. Note: If the hours are extended, so must the seagull control to be 30 minutes after the last waste acceptance.

51. Illegal waste dumping, Page V-185, 5th full paragraph. There is another reason why waste may be illegally dumped as described in the first full sentence. The fees for disposal may be too high, which I suspect is the case when the dumping occurs at night when the landfill is clearly closed. It would be good to add this for completeness.

52. HAZ/mm-1 mitigation measure, page V-186. It states that updates are to be provided periodically but only when project components are relocated or expanded. Based on the schedule presented here for the 5 or so modules lasting 30 years, it may be 6 or 8 years between notifications and updates. I suggest that the updated notification be provided on a firm schedule of every 3 years. It also should be required to be distributed via a note on the service area bills.

53. HAZ-mm-2, page V-186, Litter Control Plan, first paragraph. The plan should not just be posted at the website; it should also be distributed to all neighbors living within 1.5 miles of the property line via mail or email.

54. HAZ-mm-2, page V-186, Litter Control Plan, point b. The pickup should not be just bi-monthly; the trash does not blow out based on a schedule. In addition, if something blows out, I should not have to live with it for up to 60 days before it gets picked up. And it should not be my responsibility to have to call the landfill within a week of the pickup date to have something picked up. Why is the burden on me, and not the landfill to clean up its mess? The firm schedule should be monthly to start with. The landfill can send out an email the week before and ask if anyone has trash on their property and each neighbor can respond. That way it allows CCL to not have to send guys

62. Disease and Animal Vectors, page V-188, Birds, Roosting on compost windrows and MRF roof. The seagulls, when they are not dining at the landfill face, will sit on the compost windrows and the MRF roof to rest. In addition, they will go to either the ponds on Darway's property or the winery's property for water. They used to go to Holland's pond. These issues have not been identified in this section and need to be. I suggest that the mitigation measure HAZ/mm-3 about the falcon program be expanded to also include coverage for the nearby ponds and the roofs of the CCL property and the adjacent neighbor's property.

63. Disease and Animal Vectors, page V-188, Birds, HAZ/mm-3, success of falcon/hawk program. As described in comment 16 above, the falcon/hawk program is not successful as the sole program. I suggest the mitigation measure be structured to acknowledge that the hawk part is not successful when the number of falcons and the time the falcons are at the landfill are both reduced.

64. Disease and Animal Vectors, HAZ/mm-3, page V-188, linkage of bird deterrent program with composting startup. This condition is limited in that it only kicks in if the odor monitoring, HAZ/mm-10 kicks in (I think it was a typo, I think it was supposed to be mm-11 because linking it to mm-10 is nonsensical). HAZ/mm-11 states that it is for the reestablishment of the composting. What happens if the composting is not started up? Then the condition mm-11 does not take effect, and this condition mm-3 does not work. I suggest that the base idea of condition HAZ/mm-10 be pulled out of the composting section and added to a general monitoring section, then each of the respective subsection, like air, water, noise, etc. have individual conditions reflecting what that monitor's responsibilities are for that specific issue.

65. Disease and Animal Vectors, page V-188, birds and poop on neighbor's cars, roofs, houses. The seagulls, when massing like they did in early 2011 because of the suspension of the 100% falcon program, caused quite a problem with pooping on the neighbor's houses, cars, roofs. They will sit on the roof of the MRF. It appears that as long as the falcons are used successfully, the issue may be tolerable. However, a condition needs to be added about who cleans up the bird poop. In the past before the daily coverage, the complaint was about chicken parts being dropped. Not it is the poop. They arrive because of the landfill, they feed at the landfill, and then they poop on the neighbor's cars and roofs. A mitigation measure to require the applicant to clean up the neighbor's houses and cars should be required; otherwise this should be shown as remaining a Class 1 impact that has not been totally mitigated to insignificance. The neighbors did not bring the vectors here. If the falcon program and daily coverage is effective, this is not an issue, there would be nothing to clean up.

66. Disease and Animal Vectors, Secondary Impact, page V-189, overhead wires. It has been demonstrated in the past at this landfill that the overhead grid system of wires does not work. At most it should be mentioned in the first part that it was tried and failed, but it should not be shown as a secondary impact because it doesn't work and won't be tried again.

67. Fire, HAZ/mm-5 mitigation measure, page V-190. This application is for a permit that will last decades. In this time, the Fire Code changes continually to reflect improved methodologies and strategies. For instance, about 20 years ago, fire water tanks were not required for remote residences, now they are. I suggest that the Plan be required to be reviewed and updated every 5 years to reflect all changes in the Fire Codes.

68. Human Health Risks, page V-193, personal rain water collection system. The first and second paragraph write-ups justify the concern I have expressed in comment 39. Please add the mitigation measure I have proposed in comment 39.

69. Human Health Risks, second full paragraph, page V-193, distance to background. I appreciate the expertise of the consultant who prepared the HRA, however the statements that the airborne concentrations of bioaerosols dropping to background levels 650 feet from the source is not supported by either the literature or by the data that shows that a resident, Vanessa Goldeen who lives 4,300 feet away, was impacted severely by the bioaerosols from the composting. She could not breathe while the composting was in operation. When the composting stopped, she could breathe again. It is not supported by the information from the Darways and the Cochrane's of health problems with their children. Similar stories come from the other kids in the neighborhood similar distances away. The consultant's conclusion is not supported by the data, possibly by a lack of understand of the local wind conditions, compost emissions, I don't know. But it doesn't match. Therefore, the RDEIR should err on the side of caution and extremism.

70. Human Health Risks, second full paragraph, page V-193, prevailing wind. This paragraph states a lot about prevailing winds being from the northwest. The winds come from all point of the wind rose, so concerns are not just about one point of the compass. When the composting moves to the top deck, yes, it may be more than 650 feet from the nearest downwind property of the existing composting, but now it will be 300 feet from the northern boundary, 200 feet from the easterly boundary, and 800 feet from the northeasterly boundary. As shown by the odor complaints, this means that while the wind may blow 35% of the time from the northwest, 65% of the time it will be going towards those closer fence lines. This statement must be corrected and the conclusion by Greenberg called into question. This is not just about one property owner.

71. Human Health Risks, HAZ/mm-8.a, page V-194, dust control. The mitigation measure states that dust clouds shall not be visible more than 5-10 feet away from the source. First, this should be amended to also include the white steam clouds as those can also carry the pathogens and molds. Second, what is proposed to be done when this condition is violated? You can't say that these condition will reduce it to Class II impact, because what happens if they are not able to perform this limitation? Then it indicates that there are offsite impacts. There needs to be a what-if exercise to this. Maybe it states that there is a \$10,000/day fine. Maybe after 5 violations of this, the composting must be shutdown. As we have seen in the past, the County enforcement of conditions like this does not exist. It is a hand slap, if that, but to say with a straight face that implementation of this condition will change the impact to Class 1 without addressing the what-if's, is fraudulent. If they can't perform, then the condition will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be enforceable and feasible" (*SWCA RDEIR, page V-1, 5th bullet point*).

72. Human Health Risks, HAZ/mm-8.a, page V-194, dust control. Will pictures taken by residents and provided to the Enforcement Department be proof of failure to abide by this condition of no dust clouds greater than 5-10' away from the source? If not, what will be and how is that provided for in a timely response?

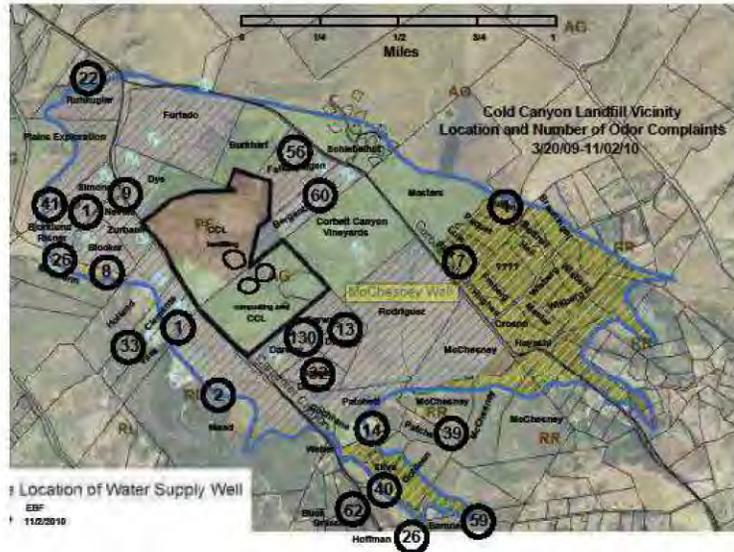
73. Human Health Risks, HAZ/mm-8.c, page V-194, baseline monitoring. It is not specified when the baseline measurements will be taken. To be truly baseline, then need to be run now, at the time of permit approval. The word "property line" needs to be "property lines". There needs to be one at the border to Bergantz's property, at the border of my property near the water panels, at the border of the Furtado's property, two along the southern Darway property, and two along Highway 227. Then you have a baseline and not hand waving.

74. Human Health Risks, HAZ/mm-8.c, page V-194, follow-up monitoring. The stated follow-up monitoring is very fuzzy. As this is dealing with the composting that is now shutdown, but limiting follow-up monitoring to be only when the compost expands or feedstock vary is limiting. The follow-up time period should be spelled out here; I propose that upon permit issuance baseline monitoring is performed, then there should be follow-up monitoring just before starting up any composting operation, then one year after startup, then annually thereafter for 3 years, then biannually for the life of the project while the composting is at its current location. When the composting is moved to the top deck, the sampling frequency restarts, at startup, one year after startup, annually thereafter for 3 years, then biannually. The monitoring should be semi-continuous monitoring, with sampling taken for a two week period while the wind is blowing over the windrows and in the direction of the monitor. Sampling if the wind is not coming in the direction of the monitor is a waste.

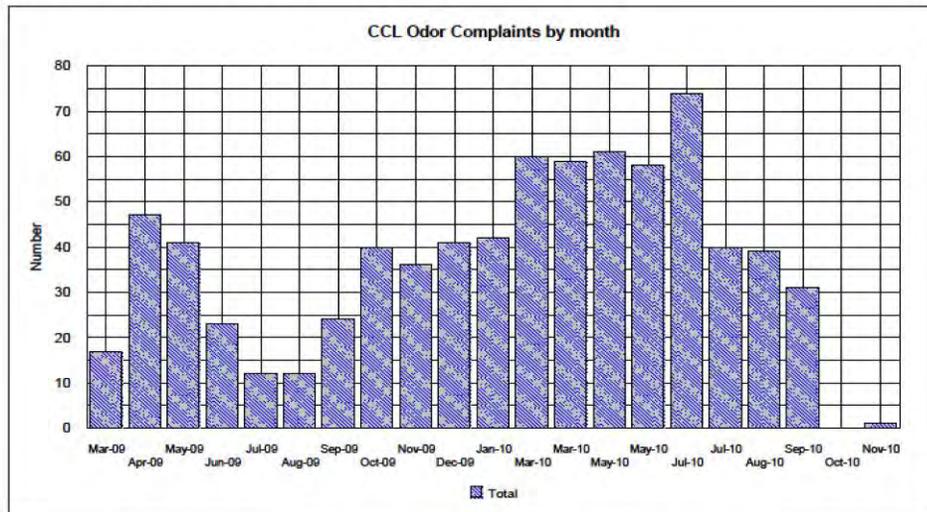
75. Human Health Risks, HAZ/mm-8.c, page V-194, baseline monitoring. What happens if the literature is correct and Ms. Goldeen, the Cochran's and Darway's children's health issues were caused by the composting, the HRA consultant was wrong, and at the property line the emissions are not at background levels? This means the conclusions drawn by the EIR and the consultant were in error. I believe a condition similar to HAZ/mm-13 should apply here.

76. Human Health Risks, HAZ/mm-8.e, page V-194, windbreaks. Point 1 requires berming, which I would consider as a man-made barrier under point 3. If it is something different, it also needs to specify that the height is at least 6 feet above the top of the windrows. If it is a berm under point 1, then point 2 should also kick in, that it needs vegetation and landscaping. This also needs to be added as a water user in the water consumption section. In point 2, it states it must be "adequate height" in 5 years. What is "adequate height" and how technically are you arriving at that adequate height number?

77. Odors, page V-195, general. The odors are not more offensive during the warmer weather period, but it appears that late winter to spring time had the most number of complaints. On the prevailing winds, complaints were from all points of the wind rose, so the inference that odors are most noticeable living southeast is incorrect. There are too many factors that affect it, such as when people are home, were the compost rows turned, and prevailing winds which appear to circle in eddies around the landfill mountain. I suggest changing the statement to be more general, like "odors are noticeable to residents at all points of the compass; however residents to the due north had a statistically lower frequency of complaints". You have via John McKenzie the information about the odor complaints by parcel that can be plotted for yourself. The graphs on the next page show the data; where the complaints by wind rose location and by time of year.



Cold Canyon Landfill Smell Log as recorded by Bruce Falkenhagen 11/02/2010 Page 1 of 1



78. Odors, page V-196, general, first full paragraph on page. For clarification, I suggest the last sentence be modified to read: "...complaints received over the last few years indicate that odors from the composting would likely exceed the..."

79. Odors, page V-196, general, second full paragraph on page. As stated before in comment 63, making a statement that relocation is further from residents currently affected by odors, but omitting that the composting will now be closer to other residents that also have been affected by odors in the last year is only telling ½ of the story. It also does not state that this is something that will not occur until 15 to 20 years from now. The statement that "these changes may result" in more dispersal by the winds is not based on facts. The changes may or may not make more dispersal, but based on the data I collected over the last 2 years and tracking the wind and where smells occurred and where they did not occur, I doubt that any dispersal occurs, evidenced by smells a mile away when the close in properties smelled nothing. If anything, odor complaints will go up because there are more residents to the northwest and north who will be closer to the source of the odors.

80. Odors, HAZ/mm-10, page V-196. The last sentence of the first lead in paragraph is not clear. The word "may" should be changed to "shall", and the words in the details where it says "consider" allows the applicant to evaluate the benefits of that concept. Otherwise without the change, if I were the applicant, I would argue that none of the BMP's listed here are required, which means that this remains a much more serious Class I impact.

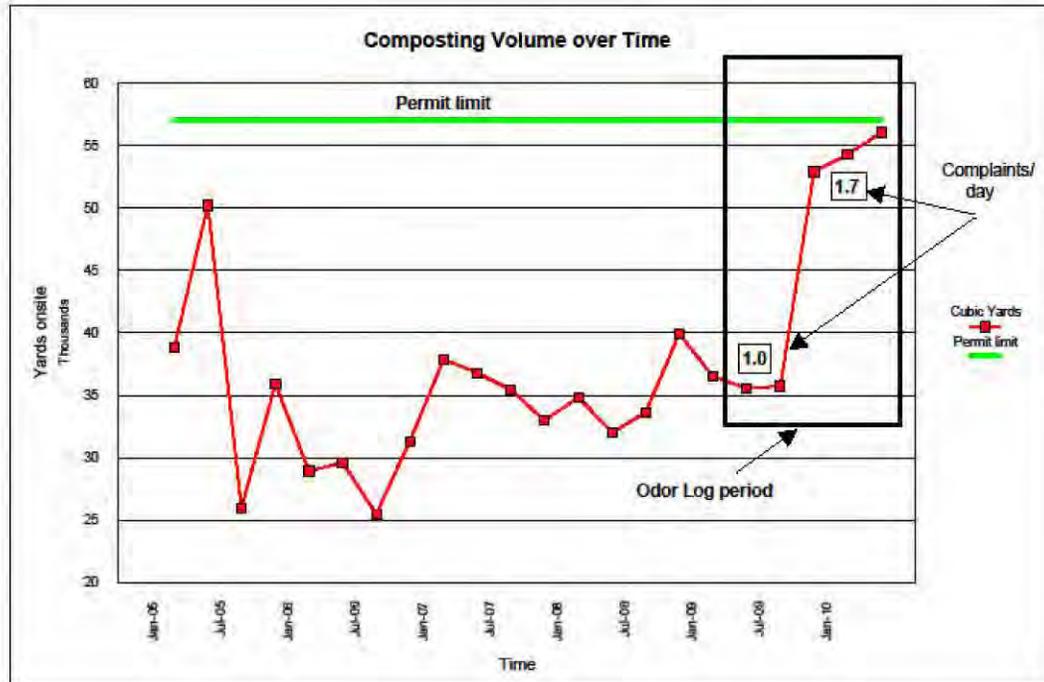
81. Odors, HAZ/mm-10, page V-196, Odors during Receiving, bullet points 7 and 8. These should be prefaced by a "Consider". I don't think that these are practically and technically possible. You can't add a fresh load that is wet or odorous to a product that has already undergone 6 weeks of decomposition, the process is tightly controlled and this has the potential of making an off spec material through failure of complete decomposition. Also, the point on expediting is not possible, the decomposition takes the time it takes, and man cannot wish it to be faster.

82. Odors, HAZ/mm-10, page V-197, Odors during Receiving, bullet point 10. This point duplicates point #4.

83. Compost Operation, HAZ/mm-10, odors in a building. If the composting is to be in a building, the mere fact that it is in a building does not stop odors. Fans must suck the vapors off the piles, and then incinerated or possibly run through a carbon filter; else there is no destruction of the odors.

84. Odor control at landfill face. There are no mitigation measures to control the odors at the landfill face. I am aware of 2 sources of extremely odiferous materials, some specific restaurant wastes and the sewage sludge. As stated in comment #5, these products need to be buried immediately, so a mitigation measure should be added to address this.

85. Definitions, "Grit" and "Sewage Sludge". Note, the SLO Wastewater Treatment Plant calls this sewage sludge material "Grit". This term "Grit" should be added so there is no mistaking that both terms "Sewage Sludge" and "Grit" refer to the same thing.



did. Things change. This operation needs a continual periodic review. Operations such as plasma gasification or anaerobic digestion of landfill waste will make tremendous leaps.

If it is not agreed to have periodic follow-up, then you must put in this condition that the throughput for the composting will be permanently limited in the future to the level that it is operating at the time of noticing the first and only hearing. If not, the permit will not be effective and does not satisfy CEQA's requirements that the "mitigation measures must be enforceable" (SWCA RDEIR, page V-1, 5th bullet point). The throughput rises and there is no proof then that the mitigation measure even works because there is no follow-up.

93. HAZ/mm-13, residual impact, page V-199, history of issue. The second sentence misstates history. This implies that the applicant was working on addressing the odors all during the time of the odor complaints. This is not true. The applicant only started to address the odors after 310 complaints had been made, the Planning Commission had scheduled a revocation hearing, the County Supervisor was called in, and the hearing was ten days off, because the Applicant finally acknowledged that it was a problem. Otherwise, bias is shown.

94. HAZ/mm-13, residual impact, page V-199 Potential Failure of Condition. At the last sentence of the first paragraph, add the words "or the AD process is used".

95. Noise, Existing Stationary Noise Sources, paragraph I.1.b.(2), Hours of Operation, page V-191, paragraph 2, 2nd full paragraph at bottom. The RDEIR states "Noise producing activities within the CO presently occur between the hours of 7:30 AM and 4:30 PM. The permit condition for the composting, D000281D, condition 3 states that the hours of operation shall be 8:00 to 3:00 PM. With the RDEIR stating that the noise producing activities start before and end after the permitted hours is a violation of the existing permit condition. It has been witnessed by neighbors and has been reported directly to John McKenzie in the past when it occurred. I think it would be appropriate to add a section documenting these violations, stating what the County has done in the past to enforce this condition, if the violation resulted in a NOV, and the ultimate conclusion of the enforcement action. If not, how can the RDEIR represent that the permit satisfies CEQA's requirements that the "mitigation measures must be enforceable and feasible" (SWCA RDEIR, page V-1, 5th bullet point).

96. Noise, Existing Stationary Noise Sources, RRP, paragraph I.1.b.(2), page V-191, 3rd full paragraph at bottom. There is also noise from the concrete dumping, steel banging, and loud radios playing that can be heard over ½ mile away. Please add this, as it has been stated numerous times at meetings and nothing has been done about it. Of course, the music must be loud to be heard over the beepers and the concrete dumping and banging, which again, point to the problem that this RDEIR and DEIR seem to continually miss. This needs to be enforced now, not at the time the permit is accepted by CCL.

97. Noise, I.1.(b)(2)(b), page V-195, second full paragraph, statement that Site B is considered generally representative of landfill noise. Site B is not representative of landfill noise. Site B is the Bergantz's home, which sits behind Bergantz's 500' hill and is totally shielded from any noise of the filling of the landfill and only on the side sees some of the composting. The statement needs to be corrected and another statement to the effect of what I state should be added.

98. Noise, I.1.(b)(2)(b), page V-195, second full paragraph, statement that Site D is also on a property line. This statement must be corrected. Site D is not just on a property line, it is also the location of a residence.

99. Noise, I.1.(b)(2)(b), page V-195, second full paragraph, statement that noise in the survey "was likely skewed upward" due to noise from the traffic and aircraft flyovers. Again, this is a biased statement and tries to imply that 3 miles from the San Luis Airport where planes are 2000' to 3000' high and very infrequent that there is an impact. There only 11 commercial flights per day arriving over 16 hours, or one every hour and a half. The noise occurs for about 20 seconds, (I just timed it). For this to bias the noise significantly upwards, the dBA level must be greater than the landfill noise, and then it increases the sound pressure level by a few dBA for those 20 seconds.

At the time of the March 27, 2008 Noise study, there was more airplane traffic into and out of SLO as Delta and American Airlines were still flying into the airport (they pulled out in the summer-fall of 2008). At the time of the 2010 study, there were fewer flights. In addition, at the times that the peak L_{max} readings were obtained for the 2010 study, were hours when there were no commercial flights into the airport. In addition, the 2008 study had lower noise readings with more flights, and the highest 2010 readings occurred when there were not even commercial flights coming in. Please explain how the survey data was skewed upwards in light of data that shows there were fewer flights and the readings were higher when there were no flights.

On the traffic, there is no data supporting an increase in traffic to cause data to be skewed upwards. In fact, in this study it shows the traffic noise to be less than 57 dBA (page V-203) via the

modeling, which the authors conclude that, not only is it insignificant and needs no mitigation, but the model also had "excellent agreement" with the measured data (page V-190) compared to real readings. So traffic can't skew the noise measurements upwards because it is a lower sound pressure level than the measured landfill noise.

The air traffic and the traffic noise, background noises that preexisted the landfill, are more natural in this rural setting. This statement is trying to bias the reader into thinking there is all this other noise and the neighbors are whiners. Please add supporting technical documentation of the airplane noise, stating the frequency, the distance to the noise source, the period of time it occurs, etc. to justify this statement. Please add information that supports the statement that data was skewed upwards due to traffic, and when added, the authors must then delete the conclusion on page V-203 that traffic noise need not be mitigated, and add in appropriate noise mitigation measures for this traffic noise.

If the above can't be done technically, strike the statement that is unsupported by facts and merely a conjecture and shows an unprofessional bias. This is not the time for antidotal comments.

100. Noise, I.1.(b)(2)(b), page V-195, Table V.I.-3 L_{eq} levels greater than L_{max} levels. L_{eq} is the noise level. L_{eq} is stated in the report to be the energy average noise level and L_{max} is the maximum noise level over a period of time. How is it then that in this table, for site B, composting/soil movement, that L_{eq} is 60 dBA and L_{max} be less than this at 51 dBA? How for site C can L_{eq} be 49 dBA and L_{max} be less than this, 43 dBA?

101. Noise, Backup Warning Devices, page V-196, top of page. The report states that the backup warning devices produced an L_{max} of up to 53 dBA, but does not reference at what distance this measurement was taken or where. The number does not make any sense at all. If it were at Site D, which is in direct site of the landfill, the beepers can be very clearly heard, it is over 53 dBA. The beepers noise as it comes out is 103 dBA 3 feet from the beeper. It can't drop off to that level over that short distance. One can hear trucks very easily; they are not 103 dBA 3 feet from the motors. If the answer is that this was what was measured at Site D, then how does it explain at Site C, the beepers are clearly audible? With the increased distance, the calculations would have it as 30 dBA or so.

If the answer is that this is what was measured at Site D, then great; let's make it a mitigation measure. Anytime the noise from the backup beepers exceeds 54 dBA at any property line to the landfill, the operation shall be in violation and must immediately shutdown the offending equipment until the applicant can provide third party independent proof that by restarting that equipment, it will be able to operate below 54 dBA.

102. Noise, issue with beepers. What the problem is with the backup beepers is not particularly the occasional beep, but the collection and repetition of it. One loader may be in reverse for 30% of the time, so in an hour there are 20 minutes of beeping from it. The beepers they have beep every second. But when there are 12 vehicles, loaders, backhoes, garbage trucks, dump trucks all operating at the same time, it is equivalent to 4 vehicles operating in reverse continually. And that is for 8-10 straight hours per day, like a Chinese water torture. This is why there needs to be an effective mitigation measure for the beepers. Condition 13c of the July 22, 1997 MRF permit and Condition 1.f. of the 1996 composting permit #D950031D requires "backup beepers shall be adjusted to the minimum level approved by OSHA". CCL's subsequent permit in 2001 received a negative declaration because of this previous condition. "Backup beepers shall be turned down to the maximum extent allowed by OSHA".

A negative declaration for both projects was made by the County, in part because of this (and others) like it. Had it been implemented, it would be an effective mitigation measure and reduce the beeper impact to a Class 2, an impact mitigated to insignificance. However, the applicant chose to ignore the permit condition.

This issue was presented to the County and to Waste Connections in 2010. For details, please refer to the attached letter sent to Tom Reilly of Waste Connections and the County dated January 20, 2010. The letter shows that the maximum extent allowed by OSHA is a reduction to no beeper; that function can be performed by an onsite spotter. Waste Connections made the decision to ignore the permit condition.

Alternatively, there is a beeper made that self adjusts to 3 dBA over the background noise. The purpose of the beeper is to warn individuals in the immediate vicinity (10-20 feet) of the backing operation. There is no need to warn people 3,000 feet away. Attached is the sales sheet for an ECCO 500 Series Smart Back-up Alarm (Part #SA951) that sounds between 77-97 dB.

In addition, for the Excelaron Project, page 4.11-29, it has as mitigation measure N.2.1.g for noise that states the requirement to "Install ambient sensitive backup indicators on all equipment requiring backup indicators to reduce backup noise". Therefore it is feasible, has been used in the past, and if it is good enough for that project, it is good enough for this one.

I ask that a mitigation measure be added stating that the applicant must either use a spotter as allowed by OSHA, or use a self adjusting beeper as described for the Excelaron Project on all vehicles operating at the landfill, including the trash and recycling pickup trucks operated by Waste Connection's subsidiary companies.

This requested permit has a 30 year life. Technologies change. This issue is one that needs the ability to be revisited in the future. Who knows, there may be one developed in the future that uses a body sensing feature that only goes on if a body is sensed in its path. That is why a permit reopener is necessary.

103. Noise mitigation measures, Regulatory Setting, Page V-197, top bullet point. One continual complaint is the trash trucks using Noyes Road and 227 from the south to access the landfill. All the way along 227 and up Noyes Road would be considered noise sensitive receptors. Bullet point 1 states that rerouting traffic onto streets that do not adjoin noise-sensitive lands shall be considered. I believe that all of the traffic should be rerouted up Price Canyon Road as it is designed for the heavy traffic, the noise-sensitive receptors along that route only occur for about ½ mile compared with 4 miles on Noyes Road. This should apply to all of the applicant's trucks and to all of Waste Connection's affiliates trash and recycling trucks.

104. Noise sources, Regulatory Setting, page V-197, allowable construction noise. Construction noise is exempt in the hours of 7:00 AM until 9:00 PM on weekdays. In the meeting on June 22nd, a question was asked if this project was considered a "construction project". The answer was that certain aspects are, but others are not. Therefore, a table should be added showing what parts are construction and what are not. For instance, the construction of the scalehouse, the demolition of the old scale house, the construction of the new access road, excavation of the new modules, and the construction of the expanded MRF would be construction. What would not be considered construction would be all aspects of the act or operation of the landfilling, the act or operation of the composting, the act or operating the MRF.

105. Noise Sources, Construction Noise, first full paragraph, Page V-198. In the first sentence, it states that stockpiling would be considered construction noise. Then the second paragraph goes on the state why it is not a construction activity. Since the second paragraph states why it is not construction, why not just leave it off the first paragraph? It just creates confusion.

106. Long-Term Noise Monitoring Sites Map, page V-199, erroneous mapping. Site C, the Grasseschi residence is not correctly located. The residence where the noise meter was is 0.9 inches to the right and 0.3 inches up from the point indicated by the arrow.

107. Transportation Noise Assessment, Page V-203, comment in italics. While the comment is correct that the composting trips would go down from 450 TPD to 300 TPD, the traffic count is all wrong. According to the RDEIR and EIR study, of the 200 new vehicle trips, 142 are the net for bringing in new material after employee trips are accounted for. Since the composting was picking up from 100 TPD to 450 TPD and the landfill, RRP, and MRF was picking up from 680 TPD to 2050 TPD (1200{Disposal} + 450{RRP} + 400{MRF}), a difference of 1370 TPD, this will only be a reduction of $150 / ((450-100)+(2050-680)) * 142 = 12$ trips. Hardly worth even noting in the RDEIR wouldn't you say? It is not much more than the traffic generated when water needs to be trucked in and that was ignored. The total is less than 20% of the total employee traffic. The reduction as it affects noise is negligible. Delete the comment about the effect of composting trips.

108. Transportation Noise Assessment, vehicle trips, page V-203, first 3 paragraphs. In comments on the draft EIR, I questioned whether the figures for traffic were correct. The Original DEIR and the RDEIR states that 660 vehicle trips/day were all that were required for bringing in 685 tons/day of inbound materials and taking out recycled materials. However, in Appendix G-2, Tables 1 and 3 of this RDEIR, it disputes the vehicle numbers. It shows that in 2006 there were an average of 295 vehicles/day (of what I assume also includes employee vehicles), bringing in 700 TPD of inbound material and removing outbound material. Removing current 52 employee trips (Appendix G-2 Table 4) means 243 vehicles brought in all the material, for an average of 2.9 tons/vehicle. Now if the number cited in this noise section is the round trip number, because every vehicle that enters must also leave, making twice the traffic, I would agree with using the 660 trips/day here in the Noise Section.

But then it goes on to state that there will be an increase to 860 daily trips, a 200 trip increase. Because we are talking round trips, this means 100 more vehicles.

On Table 4 cited above, it says that there will be 28 new employees, which will mean 56 of the 200 trips are employee trips, leaving a net increase of 72 vehicles (142 round trips) to haul the increase in inbound and outbound material.

If the vehicles carry the same weight of trash as has been in the past, then 72 vehicles * 2.9 tons/vehicle, only accounts for an increased weight stream of 209 tons/day, taking the total landfill input from 700 TPD (operating) to 909 tons/day.

As such, this is the maximum inbound/outbound volume that the Noise Section modeled the impacts upon and concluded that it would be a Class III impact. **Since the EIR has to evaluate the worst case scenario, and because it has been stated in the EIR that there will be no change in the service area, then there must be a mitigation measure in the Noise Section reducing the total of all allowed inbound material to not exceed 900 tons/day.**

If this is not done, then the authors are acknowledging that to handle the requested increase from 700 TPD (operating and used as the current noise basis) to 2,350 TPD, a 1,610 TPD increase, the traffic increase for the materials is 1,610 TPD / 2.9 Tons/vehicle, or 555 vehicles/day for the material, plus 28 employee vehicle trips, or 583 vehicles/day, for 1,166 round trips. Then this Noise Section on transportation is grossly in error, along with the Traffic section and traffic modeling done in the DEIR.

109. Throughput limitation; General Comment. Whatever the throughput limitation is, the time period of the limitation needs to be specified. Currently it is 1,620 tons/day. In this type of operation, this is not very workable. CCL can't control the number of people or vehicles coming by on a single day. There are peaks and valleys. The impacts are looked at over a longer period, so the throughput limitation should be over a longer period than a day. I suggest that the throughput limit be stated as the daily average inbound material per month and the number of vehicles as the daily average number of vehicles per month.

110. Transportation Noise Assessment, vehicle trips, page V-203, first 3 paragraphs, Misrepresentation of True Project. The permit application and project description talks about the increase going to 2,350 TPD (Table III-3, page III-25). It can't with these traffic numbers. The only way this can be done is if the additional 72 vehicles each carried 23 tons of material, which is about the limit 18 wheelers to carry. This was not what was modeled or disclosed in anyway and specifically disputed by CCL and the County when asked directly if they were going to bring in materials from outside the service area, which is the only source that can justify an average increase of 23 tons/vehicle.

111. If my traffic numbers are wrong. It has been stated publicly by staff that maybe my numbers are incorrect. If the above is incorrect, please provide detailed calculations showing how it is wrong. If it is wrong, then there is no harm with having a mitigation measure that limits the vehicle traffic to 860 round trips per day, of which 228 are allocated to employee vehicles and 632 are for delivery of trash, recyclables, and compost materials and removal of recyclables and sales of compost with an average annual load of 2.9 tons/vehicle. After all, the impacts to noise on page V-203 and others were based on these figures. Also, because of the importance of this number and the position by County that it is correct in spite of what I view as clear factual proof with the County's own figures to the contrary, it also should be stated clearly in the mitigation measure that any future requested increase in the traffic beyond the 860 round trips/day may not be approved by County staff without a publically noticed and heard complete EIR; it may not be a simple staff or director determination. Otherwise, the EIR will not meet the standard of stating the significant impacts and determining that the mitigation measures are roughly proportionate to the impacts of the project (*SWCA RDEIR, page V-1, 5th bullet point*) since the impact was wrong to start with.

112. Stationary Source Assessment, Landfill Disposal Activities, page V-204, first full paragraph, first sentence. It states that based on Table V.I.-2 that typical disposal activities produce a L_{eq} of approximately 70 dBA at 200-300 feet. Looking at the Table, site 3 shows a L_{eq} of 70.1 with a range of 62.3-77.2. Since the L_{eq} is the average measurement over an hour, shouldn't the peak number be used for this analysis because the EIR must look at the worse case scenarios? In addition, I suggest that a clause be added to the end of the first sentence stating "... with a peak L_{eq} of 77.2 dBA.

113. Stationary Source Assessment, Landfill Disposal Activities, page V-204, first full paragraph, third sentence. This cites the situation where the equipment is being operated within the excavated module. This is for a very short period of time. The vast majority of the time the equipment

is on a face that is elevated and above the property line of the residents. I suggest that a percentage be added, for instance, one can calculate that "for 24% of the time the equipment is inside a module, but for 76% of the time, it is on an exposed face causing noise issues." This is based on the volume of material excavated compared to the volume of material filled. The equipment can only be inside a module for no more time than the excavated volume took out.

These figures come from Page III-24, where it shows that the capacity would increase to 13.1 million cubic yards. On page III-29 it shows the module excavation to be 3.2 million cubic yards. Therefore 3.2/13.1 (24.4%) of the time it will be working and filling inside modules; and 75.6% of the time it will be exposed.

114. Stationary Source Assessment, Landfill Disposal Activities, page V-204, second full paragraph, first sentence. The project would also be located less than 100' from Bergantz's property line at the point of its corner and all along Bergantz's western boundary. The County regulations deal with noise at the property line. That is the standard for everyone else in the County; that is the standard by which this project must be addressed. Please add this fact.

115. Stationary Source Assessment, Landfill Disposal Activities, page V-204, second full paragraph, last sentence. This last statement must be stricken as it is factually incorrect. The nearest sensitive receptor will be 650-700 feet from the landfill face. It is exactly where the long term noise monitor Site D was located. The green dot on Figure V.I.1 shows it less than 500 feet away. Looking at the final position of Modules 14 and 15 of Map III-9, and scaling this distance, it is 650-700 feet. Just by inspection one knows that the noise will not be the same to those measured at Site D; it was 1,200 feet away from the landfill face (Table V.I.3) during the 2010 survey; and there are proposed modules moving towards it with time, so there is no way the noise levels will be the same; its closer, there will be more noise. In addition, it measured a L_{eq} of up to 55 dBA at Site D, which exceeds the County Noise standard now.

116. Stationary Source Assessment, Noise at property line, measured violation of County Standard. As asked elsewhere, the L_{eq} measured at Site D, as measured by the County, was 55 dBA. This exceeds the County Standard. This is a violation of the permit conditions. How has the County enforced this? Was a NOV issued? How is the County making a showing required by CEQA that the "mitigation measures must be enforceable..." (SWCA RDEIR, page V-I, 5th bullet point).

117. Stationary Source Assessment, Landfill Disposal Activities, page V-204, NS Impact 1. These noise levels will also be reached at Site B and along the property boundary for Site B. This should be added as an impact. The Codes are based on levels at the property line, not the residences. As stated in Appendix E-2, page 13; "The San Luis Obispo County Noise Element specifies that the hourly noise standards for stationary noise sources should be applied at the receiving land use property line". The dilemma the write-up then goes on to describe is immaterial to this RDEIR. The standard is a property line standard, and implied in the development of the standard is that noise drops off as one moves away from the property line.

A case in the extreme is that a noise source like the landfill generates 80 dBA, measured at the property line. The proponent puts up a 20' high billboard along 400' of that property line, right on the line. The billboard totally silences the noise right *at the property line*. However, the noise rolls over the billboard to the old folk's rest home that is 300' off the line and it is 60 dBA there. Are they impacted? Yes. That was not the intent of the County Noise Element to just move the problem to another location. This project then must have mitigation measures that apply not only at each

property line, but also away from that line. I am sorry that it presents a quandary for rural areas with rolling hills. That was contemplated and known when the Noise Standards were developed.

118. Stationary Source Assessment, Landfill Disposal Activities, page V-204, NS/mm-1, first paragraph. As part of the plan, a plan for addressing the noise impact on Bergantz's hill (Site B) and property should be addressed. That hill is used for his recreation.

119. Stationary Source Assessment, possible error on data interpretation or representation. I am not an expert in noise, but it appears that there is a significant error in the interpretation of the noise data in the noise section. Looking at Appendix E2, the noise report, the bottom of page 6. There is a chart showing the noise measurement at Bergantz's home, Site B.

Right above the chart, it has in the write-up, "Maximum noise levels were not observed to exceed the County's noise standard of 70 dBA at site B." This is the L_{max} measurement.

I then look at the chart, and the L_{max} line immediately below it, and for the 3:00 PM hour on 1/29 it is at 80 dBA and exceeds 70 for 4 hours that day. It occurs on every chart for every site. It also is reflected in the hard data included on page 23 (no page number but the data chart for site B) for 10 of 13 days the sound was recorded. It is the one hour maximum reading. What am I missing?

I believe I am interpreting the chart correctly because it also says in the write-up that the hourly average L_{eq} levels have the potential to exceed the County Noise Standards, and looking at the chart, one can see how it just barely jumps up over the 50 dBA level 4 times during the day and the data on the table agrees with it.

At the County meeting on June 22nd, I understand that an off-the-cuff answer was that it must have been airplanes. Airplanes don't fly for an hour straight over these properties. In addition, if it were an airplane, each of the Sites would have the exact same peak at the exact same time on the exact same days. That is not the case. And also in addition, looking at the airline flight schedules, there are no flights landing between 2:17 PM and 4:14 PM when the peak occurred.

What also contradicts that argument is that between 11:00-12:00 AM, there are 2 flights landing in SLO, and during this hour it was a low point in noise at about 65 dBA (lunch hour for the CCL scarab turner maybe? Compactors stopped early that day?). Maybe the airplanes are like a black hole sucking out noise?

Overlaying the charts, the peaks for different properties occur at different times. If the data has been interpreted incorrectly, the preliminary conclusions by Brown Buntin and SWCA, as reviewed by County staff, are all incorrect referencing the standard as not being exceeded. This means the noise section is incorrect and may need to be reissued a second time.

120. Stationary Source Assessment, difference in characterization of the data. I looked at the data presented in Appendix E-1, the noise study for the 2009 DEIR. In it, it has a plot, Figure 2, which one can clearly look at and confirm that the L_{max} peak reading is 70 dBA. The write-up then confirms this number as the maximum on page 4. One can look at the L_{eq} numbers plotted and similarly confirm that the L_{eq} readings range from 37-51 dBA. That is also confirmed on page 4. They then used those figures for the analysis.

But then we move forward and look at the 2010 study. Looking at each plot in the back of the reports, one sees L_{max} peak readings of 90, 82, 80, 82, 82, 92, 85, and 83 for sites A, B(1), B(2), C

(1), C(2), D(1), D(2) and E respectively. But suddenly those figures are ignored and they are not mentioned in the text.

Please answer, why in the first report that those peak readings were so important to justify the conclusions, that the higher readings two years later were not mentioned even in passing? Bias?

Also, please explain why the numbers comparing the 2008 site to the 2010 site D, (which is closest to the actual measured site in 2008), that there is such a large discrepancy; 70 dBA to 92 and 85 dBA for L_{max} ? And why are the L_{eq} measurements about 8-9 dBA greater for the 2008 measurements? It isn't airplanes, because the number of flights into and out of SLO dropped with the loss of American and Delta, which occurred long after the test measurements made on March 27, 2008 and traffic most likely has directionally dropped on 227 due to gasoline prices.

121. Noise Barrier Contingency Plan, NS/mm-3, Page V-205. I believe I understand the intent of this Plan and it is a great idea. See where the noise problems occur and then address them at that time. It is kind of a reverse coming to the nuisance issue. However, there are some problems/suggestions with this mitigation measure. I will detail them in this single paragraph.

a. The intent of this mitigation measure is an attempt to address the "moving to the nuisance" type issue. As such, the neighbors are on existing legal parcels with existing homes, almost every parcel is fully developed to the allowable zoning. Since CCL's existing permit had a definitive life span, isn't it better portrayed as CCL is moving to the nuisance (a nuisance for it), and hence the neighbors are the ones being harmed? I think if it were spelled out that way, it better defines the issue and the justification for the steps to be taken.

b. The first sentence says that the Plan must be prepared by the applicant and reviewed and approved by the County. I suggest that the neighbors be included in this step; that the plan is distributed to the neighbors, and they be allowed to comment upon it. After all, it affects them and we have had problems in the past.

c. Is the 50 dBA measurement the L_{eq} , or the L_{max} ? I suggest that there be two thresholds, both of which must be met; a 50 dBA L_{eq} threshold and a 70 dBA L_{max} threshold. In addition, who pays for that measurement? Do I have to pay for it to present to the County, or will it be done at my request by the County, reimbursed by the landfill? If it is the second, some protection needs to be put in there to not allow a resident to call every month and have a full time study done. I suggest that it be done no more often than annually at CCL's expense, but if the neighbor wants to do it at its expense, that would be acceptable also, and the data accepted as factual if it is done by an independent third party.

d. The threshold measurement L_{eq} is a one hour measurement. As I understand it, the L_{max} is also the peak in a one hour measurement. It would be unfair to have a test done for a week and have one exceedance of the threshold level and trigger this mitigation measure. I suggest that this mitigation measure is triggered if 5% of the measurements exceed the threshold over one day.

e. The 50 dBA noise limit is at the property line, not at my residence. I have the right to do whatever I want (within County Codes) on my property. CCL does not have the right to generate noise that exceeds 50 dBA at that line if they abide by the County Codes.

They are the ones that need to adopt Best Available Retrofit Control Technology to meet that limit, not seize the rights to my peaceable enjoyment of my land. As such, the very first step listed should be that if the 50 dBA limit is measured, then the Applicant must adopt BARCT on the offending equipment. This also is not a onetime action. It should be required anytime in the life of the project when noise levels are exceeded.

f. The Plan is to be prepared, reviewed, and approved prior to the Notice to Proceed by the applicant. About ten lines into the description, it describes an "Outdoor Activity Area" as one "existing at the time of approval of a proposed project". This is very unclear. What constitutes the "time of approval" of a proposed project? Is this CCL's proposed project? Is it my proposed project of putting in a garden? If it is the October, 2011 date when the draft EIR may be certified and the permit issued (but not accepted yet), the noise sources are not present yet; they will move as time goes on. How can one measure a noise that doesn't exist yet? I suggest clarifying this to be something like, "the Outdoor Activity Area must exist at the time (as described in WR/mm-6) of issuance of the Notice to Proceed for construction of each module, the commencement of the compost operation, or the commencement of the expanded MRF".

g. As stated in the document, the noise sources will move as the development progresses. For instance, Bergantz may not hear anything from the landfill while the first 4 modules are constructed, but as soon as it rounds the bluff of his hill; he will hear it at his residence. Is the concept that he is precluded from filing a complaint because the noise wasn't present in 2011 but then is present in 2030 and he can't do anything? This is unfair and forces everyone to file immediately for protection for an unknown. If the request for relief can be made anytime in the project life, then it is best for all parties; I would anticipate that many would not file and just wait to see what happens. I suggest modifying the measure to address this aspect.

h. What happens if CCL changes its noise sources after any initial remedy occurs? Assume CCL has a noise at a property that exceeds the limit. It costs \$50,000 to build a berm. The berm is built and the noise is mitigated to below the limit. CCL then in the process of building the next module causes the noise source to move, or changes the equipment to be noisier, exceeding the level again. What is my remedy? It seems that the first fix was not enough or correct. Shouldn't it be required to be fixed again or paid again? If the answer is "no", then the correct mitigation is to require the applicant to build a berm right now surrounding the whole landfill property that is at least 150' high.

i. The condition states that my "Outside Activity Area" has to exist at the time of the proposed project. I own 40 acres that abuts the northeast side of the landfill. If the County takes the position that because I am not using it now for an "outdoor activity area", then isn't it in effect the landfill seizes any future use I may want for that land that I bought and paid for? My family is already talking about adding a second residence closer to our western property line, closer to Stockpile 3. Is the document proposing that I lose the use of that land forever because of the landfill's expansion? How will I be compensated for something and a right that I own that CCL is taking from me? As stated by the County in response 434-q of the 1991 EIR, eminent domain does not apply to private entities. Yes, it may not be used now, but if it is to be used in the future in a lawful activity, be it a home, a riding arena, or whatever, the County Code is very clear; 50 dBA at the property line. This must be addressed, because it is a taking.

j. Option 2 has the applicant construct a "well constructed noise barrier" on my property. What precludes the noise expert to suggest a low-ball cost ugly structure or berm that takes away from the use of my land? Will it be required to fit in architecturally with what is here? Or will it match the landfill's lack of installing and maintaining agreed landscaping, junk piled around, broken down vehicle architectural style? I am not asking that one put in Corinthian columns when the home is a backyard horseshoe pit, but something should be put in that it must meet the architecture and design for the residence.

k. Would there be a cost component added for the loss of use of my land? A 15' high berm is put right next to my house. I can't do anything with those lost acres except practice my hill climbing skills and can no longer use it if I have to be wheeling around in my wheelchair. And will I be compensated for the loss of view that I have to endure for the benefit of the landfill for the rest of eternity? Again, via this route, distilled to the immediate essence, the landfill is essentially seizing land they do not own, for its own business profit because the property they do own is not compatible with its future business plans. They are doing this because they can't (or choose not to- like the backup beepers) control their industrial noise in a rural residential area.

l. If it is a berm installed, will it be landscaped? How and who will maintain the landscaping and who pays that expense? If it is not landscaped, it will just be a pile of dirt and there will be windblown dust from it. Who is responsible to controlling the dust, the applicant or will the neighbor be compensated for this?

m. What happens to someone like the Clement's who have a sweeping view out towards the Edna Valley, and the noise barrier blocks it all and then takes away the view? Will they be compensated \$50,000 for the loss of the view that differentiates their property from a property in the middle of town that has no view, which is why they paid the incremental price for the property 25 years ago, before any landfill permit in 1991? If the answer is "no", please justify the answer on who made the impact and who has been harmed by the project. Again, per CEQA, the mitigation must be roughly proportional to the impacts of the project (*SWCA RDEIR, page V-1, 5th bullet point*).

n. What is an "outdoor activity area"? In the June 22nd meeting, I understand that it was stated that it was a backyard with lawn. Why is that the criteria? That is the criteria for someone living on a small lot in the city; that is all they can do outdoors at their house. In this area with minimum zoning of 40 acres or larger, our outdoor activities are riding horses, walking with the dogs over 40 acres, riding motorcycles, getting on a tractor and mowing the grass/weeds, setting up camp sites so kids can experience nature, just building stuff and tending to cattle, etc. That is our recreation and that is our outdoor activity area. That is why we bought these big parcels as opposed to a second story apartment. It is a very different lifestyle than a city lifestyle. I doubt that anyone in the 1800' buffer area even has lawn grass...with the lack of water issues (as well documented in the chapter on water resources), one can't waste valuable water on some Bermuda grass (which, by the way, is the reason SLO and the neighboring cities now have water shortages, we are just a little but wiser and more environmentally friendly). This is a rural area where people don't sit in lawn chairs in a 20' x 20' backyard with sprinklers going and poodles grazing on Sundays. But I digress. I am losing the use of my land, whatever I want to use it for, be it for a gazebo or just walking around on ungrazed land with our dogs, which is our recreation that we are losing due to the noise.

It is because of this that the noise criteria limited to an outdoor activity area should not be limited as conceived. But I don't think that the issue is that far different, just the definition. I for one, most likely wouldn't be concerned with outdoor noise when I am working around the property or walking the dogs, hence would not ask for mitigation. If my recreation is cutting down oak trees with a 110 dBA chain saw, obviously the noise is much greater than the landfill, so that would not be a valid extra impact, but it is a recreational use. But there are situations where it would apply.

I suggest the definition of "outdoor activity area" be changed to one like "an outside area used by the resident for recreational activities that involve less noise than the Cold Canyon operation. The burden of proof of the resident not using it for recreation shall be on the Applicant."

If the definition is not modified, please explain in detail the justification for the highly limited allowable use supporting a claim for noise mitigation and how many people would meet this standard in the area of 1,800' from the landfill boundary. Please detail how it was determined that this was the only allowable recreation that deserves consideration, contrasting the difference between a city lifestyle and a country lifestyle.

Please explain what a backyard is when there is no front yard due to the size of the parcel.

o. Under Option 3, the resident gets paid for the cost for the noise control proposed by the noise expert. Let's say we are talking about a property that is near the landfill and the measured noise of 50 dBA is exceeded and is measured at 54 dBA. The noise expert says put in a concrete block wall at a cost of \$10,000. The neighbor, because he does not want to look out on a block wall that infringes on the country view, accepts the money. Then 8 years later when the modules move closer to his home and the noise gets much worse, say 65 dBA, and it has moved directionally for him. The original block wall, while not acceptable at first, would not satisfy the current noise, and the new estimate is a dirt berm that will cost \$35,000. As the wording of the mitigation measure now reads, the neighbor is precluded from compensation, but the noise source has moved and gotten worse. This is wrong. He should be able to either: 1) have the new berm installed, with him paying the \$10,000 previously advanced; or 2) accept the \$35,000, less the \$10,000 already paid, and he cannot complain again until the project changes significantly again.

122. Residual Noise Impact, page V-205, possible berm noise reduction, Residual Impact, 1st paragraph. The statement that a "properly designed berm can reduce noise exposure from 5 dB to as much as 15 dB, which would potentially reduce noise...to close to...the 50 dBA threshold" needs to be either removed or clarified. It tries to lead the reader to say "well, it starts at 70 dBA and a 15 dBA reduction brings it to 55, so that is pretty good." That is a car salesman's approach. It should also lead the reader to the conclusion the measured could be 77.2 (Table V.I.-2, line 3a) with a 5 dBA reduction to be a 72.2 dBA residual with a berm. A more accurate statement would be that the measured noise from the landfill would range from 62-77 dBA. With the average of the berm reduction, it would be expected the residual noise would be 60 dBA, still above the County Noise Standard. The most likely residual range would be 57-72 dBA (7.5 dBA off each or the measured ranges), with a remote possibility of 47-62 dBA (using the extremes of the reductions).

123. Residual impact, page V-205, electrification and improved motors. Mitigation measure NS/mm-10 should be added here. Certain aspects of it have the possibility of changing the residual

impact to a Class II, but that would be something that could not be predicted today because it is betting on technology changes. For instance, through the ARB, efforts are underway to develop new electric motors to replace the small diesel and gas engines (<25 Bhp). If the compactors, dozers, earthmovers and trucks were electrified, a large portion of the noise vanishes. Those are larger than technology allows now, but who is to say what will be available in just 10 years when this project just starts? If the mufflers were replaced, not with ones *recommended by the manufacturer*, but some after market dealer with super low noise attenuation characteristics, it could alleviate the problem. I suggest these two types of measures be added, because we don't know what technology will bring in 30 years and there is no harm in adding these two. Yes, it may not fit the criteria of feasible today, but this permit is not about today, it is about the year 2030 and 2040. Fusion power is supposed to be developed then in Japan and China. Just put in the measure, "if demonstrated feasible in the future at one of the permit review hearings", then it becomes a good mitigation measure.

124. Secondary Impacts, NS/mm-3, berm installation, page V-206. There is a secondary impact if a berm is installed. It most likely will need landscaping, or else it is just a pile of dirt that will be windblown causing air issues. Hence, one of the secondary impacts will be the use of scarce water supplies.

125. Stockpiles, page V-206, third paragraph. "Nose" should be "Noise".

126. Stockpiles, pages V-206 and V-207. It appears that there is an issue with space for stockpiling. If an acceptable agreement is worked out, on the southern tip of our property, adjacent to Stockpile 3, we have an area of about 5-10 acres abutting the stockpile that could hold about 2,000,000 yards of material. Currently water from the landfill runs across it and has cut some deep migrating canyons in the hillside and taken out 20-30% of the landfill's fence. If designed and filled properly, noise should not be less of an impact with the proposed filling near stockpile 3 and this additional volume area would connect into the proposed fill area near 3. It would be a little further hauling. Would this be an aspect of the project CCL would like to pursue and could under this EIR?

127. Stationary Source Assessment, Landfill Disposal Activities, page V-204, NS/mm-1, third paragraph. The continual monitoring specified in this paragraph stated that noise monitoring shall be repeated periodically, but nowhere does it define that period. It needs to be defined now so there is no argument or complaint in the future, as the landfills activities and location of noise generation will move over time and over the next 40 years. I believe the monitoring should start upon the issuance of the permit and continue to be re-measured every 3 years to correspond to the follow-up hearings. Also, since it was evident to the neighbors during the first week of the 2010 noise study that CCL reduced its noise when they knew measurements were being made, and then when they thought the noise measurement equipment was gone the noise level went up, it is necessary that the follow-up noise monitoring be set up and performed without CCL's knowledge.

128. Stationary Source Assessment, Compost Operations, page V-207, compost moving to the top deck. As stated in the first paragraph, the compost is proposed to be move to the top deck but that is in about 20-30 years. As such, this section must focus on two sources of noise, the compost operating at its existing location for 20-25 years and it operating on the top deck for years 20-40.

129. Stationary Source Assessment, Compost Operations, page V-207, erroneous statement of noise, 2nd paragraph. In the second paragraph, it states that at Site D, the L_{eq} is as high as 55 dBA. This is incorrect. Referring to the table of data for Site D in Appendix E-2, around page 26, it shows the ranges of L_{eq} to be as high as 60 dBA, with 9 of the 13 days reporting 55 dBA or

higher. The conclusion should state the 60 dBA measurement is 900' from the source and at the property line.

130. Stationary Source Assessment, Compost Operations, page V-207, noise levels associated with the composting, third paragraph. This makes no sense. It states that L_{max} associated with the composting was estimated to be 53-63 dBA, hence below the 70 dBA threshold. How can this be? First, at what distance and at what site? Looking at Darway's Site D hard data in the table in Appendix E-2, L_{max} ranges from a low of 52 to a high of 90 dBA. Only 1 of the 13 lows was below 53, yet every one of the highs was over 63. In fact, on 1/29/10, 2/6/10, 2/7/10, and 2/10/10, each of the lows was equal to or greater than the high quoted in this text of 63 dBA. Darway's is the closest site to the composting, and it has been represented as being most representative elsewhere. Therefore, the conclusion that the L_{max} associated with the composting is below the 70 dBA threshold is in error by the RDEIR's own data.

131. Stationary Source Assessment, Compost Operations, page V-207, noise levels associated with the composting, third paragraph, Violation of County Codes. Looking at the hard data in Appendix E-2 for every one of the sites, the County's Stationary Noise Standards Noise is exceeded now for L_{eq} and L_{max} . The landfill's noise is obviously more than the traffic and aircraft, but even if you make the 3 dBA subtraction to account for those sources, it still is exceeded at every site. To demonstrate the effectiveness of the proposed mitigation measures and enforcement, how, between now and the issuance of the County's staff report, please report how and when it will get the applicant's compliance with this current violation? Please show how this meets CEQA requirements that the "mitigation measures must be enforceable and feasible" (SWCA RDEIR, page V-1, 5th bullet point).

132. Stationary Source Assessment, Compost Operations, NS/mm-6, threshold level of noise, page V-208. A standard of L_{eq} is presented here, but there also must be the L_{max} threshold level stated here of 70 dBA. In addition, there needs to be a period of time the noise level is allowed to be exceeded, for instance, for 5% of the time as indicated in comment #121 (d) above.

133. Stationary Source Assessment, Compost Operations, NS/mm-6, option #1 and #2, page V-208. This measure requires the applicant to enclose the tub grinder and/or the CO or use the ASP or AD process if the noise is above 50 dBA. It requires the applicant to provide verification that the proposed enclosure or proposed system would reduce the noise to less than 50 dBA. This is all before the enclosure is put up. What happens if it is put up and the qualified acoustic consultant erred and the noise is not below 50 dBA? What happens then? Under the residual impacts, it assumes these measures are successful. What if they are not? Then the residual impact remains a Class I impact. I suggest that if they are not successful, there be a public hearing where CCL must provide all information that it has to prove that everything possible has been done, suggestions taken from the public and their consultants to further reduce the noise, and more mitigations established at that time, all within the 6 month time frame.

134. Stationary Source Assessment, Compost Operations, NS/mm-6, option #1 or #2, page V-208. Put it in a building. Why was the option to put it in a building not included here?

135. Stationary Source Assessment, Compost Operations, Residual Impacts, page V-209. This residual impact states that an earthen berm would be constructed around the top deck. As indicated in my comments in 2009 and the applicant's comments, this can't be done. From CCL's point of view it takes away too much area from the top deck, not leaving enough space for the composting. From a permit standpoint, a 25' berm exceeds the 500' height limitation and the top

surface can't be removed (there is buried trash underneath it) as it is the clay sealing cap. Since a top deck berm can't be done, this residual impact statement must be removed and the implementation will not reduce the impacts to a Class II less than significant level.

136. Stationary Source Assessment, Compost Operations, Secondary Impacts, page V-209. There is a second condition that requires modification to the CO process, HAZ/mm-9. This should be added here. HAZ/mm-9 requires the ASP process, so the word "potentially" should be taken out.

137. Stationary Source Assessment, Compost Operations, Secondary Impacts, page V-209, second paragraph. On the last line, the word "may" should be "shall". There is no information about the building, where it is going, aesthetics, how are the fans silenced, are they silenced, what will be done with the recovered vapors, etc. Again, if the County believes it should be a "may", please make sure that all the information about the building design are included her such as detailed flowsheets, layouts, elevations, energy usage, building design, aesthetic impacts, fan noise and reductions, landscaping conditions, seagull protection, etc. and that it has undergone public review.

138. Stationary Source Assessment, Compost Operations, Secondary Impacts, page V-209, third paragraph. On the last line, the word "may" should be "is". There is no information about the AD process in this RDEIR or the DEIR to make this determination.

139. Stationary Source Assessment, RRP Operation, NS/mm-8, noise monitoring measure, page V-210. This measure requires noise monitoring once upon startup. As stated before, this is a 30 year project, and over time it will change in volume, materials, and techniques. I suggest that repeated monitoring be required of the RRP operation every three years. The measurement should be at the northeastern property line adjacent to the RRP. In addition, the measurement should be made without CCL's knowledge, as the data obtained in the 2010 noise study and that in the 2008 noise study shows that operations were changed when the landfill knew they were being monitored.

140. Stationary Source Assessment, RRP Operation, NS/mm-8, residual impact, page V-211. After adopting the mitigation measure, the impact remains a Class I impact. Nowhere in the write-up does it discuss the loud radios blaring from the existing RRP or the backup alarms at the RRP. These also contribute to the noise level being different type of noise, but more intrusive. They have been brought up many times in meetings as issues and despite data that might show no impacts at Site A, they are heard at that distance of 1,500' away. Moving the RRP just moves the person who will be impacted. Since the impact has not been reduced to insignificance, I would like to see mitigation measures stating that radios and similar equipment shall not be allowed to operate anywhere in the landfill/composting/RRP/MRF area. If an employee wishes to listen to music, he can use ear buds. In addition, for reasons stated elsewhere, the backup beepers should either be of the self-adjusting level type or turned off completely. Appendix E-10 supports this, as it states on page CCC that "maximum noise levels are generally caused by backup alarms and/or materials being dumped into sorting bins". Finally, the one of the largest noise complaints comes from the steel appliances and similar metal and concrete dumping and moving at the RRP. I ask for a mitigation measure that in the site design for the RRP, the orientation of those locations and the rolloff containers to transport this stuff be such that the noise direction goes towards the 25' high easterly bank so it will be partially absorbed.

141. Stationary Source Assessment, Expansion of the MRF, page V-211, third full paragraph. Again, the authors use words such as "reduce...operational dBA by *as much as* 15 dBA", "engineered noise berms *may* result in reductions of *as much as*". Again, that is language that is

fuzzy and misleading. It also *may not* have that magnitude of reduction. I think the words should be replaced with a range, say a 5-15 dBA reduction due to the berm. On page 12 of the 2010 study, it states that at Site 5, the L_{eq} level was 59 dBA. The text states that this measurement was 175' from the east side of the building, however the map indicates that it was more on the southeast side. The existing noise berm is 150' from the building, so the measurement was most likely on the top of the berm or just past the top. The nearest property line to the SE is 250', just 75 beyond the measurement location. Therefore the RDEIR can state factually that with the berm and the measured noise level at Site 5, the expected L_{eq} sound level at the property line would be 44-54 dBA.

142. Stationary Source Assessment, Expansion of the MRF, page V-211, third full paragraph, Class III determination. It states that the impacts associated with the MRF expansion would be Class III. This assumes that all of the mitigation measures adopted in the previous permits remain, such as Condition 13 in D960087D, that requires backup beepers to be turned down, the doors closed except when needed for trucks to enter, engines are shutoff, no engine runs for a period longer than 3 minutes, all unloading, sorting, densifying, and consolidation activities take place within the structure, the vehicle trips in and out of the facility be as according to the April 15, 1997 Acoustical Analysis, and the construction adheres to Condition 14. These need to be reiterated as the basis for making the statement that the impacts would be Class III, because if they were not there, the noise level starting point would not be at that level.

143. Stationary Source Assessment, Relocation of the Scalehouse, page V-212, Residual Impacts. Here the RDEIR demonstrates the bias in the report. For the noise reduction by a berm, it states that the reduction can be between 5-15 dBA, and uses the lower figure, 5 dBA to reduce the assumed scalehouse noise from 52.6 to 47.6 dBA to arrive at the conclusion that the impact becomes a Class II impact. Yet other sections as described for other comments above, like comment #122, they used the maximum range figure of a 15 dBA reduction. Using the 5 dBA figure, the most conservative one, not based on hope, the MRF would not be a Class III impact, the stockpiles noise would not be mitigated effectively, and the other aspects of the project would have higher noise, possibly triggering more thought and mitigation. The same conservative assumption of a 5 dBA noise reduction with a berm should be used throughout vs. a liberal, "hoped for" result of 15 dBA.

Then, when the noise studies are done in the future, one can really judge the effectiveness of the berms to reduce noise. As it is, if the 15 dBA is wrong, the project will go in, the noise won't be reduced to County required thresholds, the noise studies will show it, and we will hear the whining from the Applicant that there is not any room to increase the size of the berm for compliance, they already paid once for it they shouldn't have to pay again, it isn't the Applicant's problem, the neighbors are whiners, County enforcement doesn't do their job, etc. Isn't it better just to get it done right the first time?

144. Application of Noise Element Stationary Noise Reduction Measures, Page V-212, point a, rerouting of trucks onto streets that do not adjoin noise-sensitive lands, point b. I believe the County is looking at the term "access road" to address only the final 500' or so of driving, which is an appropriate definition for other projects that have minimal traffic. Trucks for this project come from all over the County. Concern has been expressed in the past of the traffic problems using Noyes Road and Carpenter Canyon from Arroyo Grande to access the landfill. As stated in comment #103, routing the vehicles from the South, from Grover Beach, Nipomo, Arroyo Grande, Santa Maria and trucks coming in from out of the area to bring in and/or remove materials from the MRF and the CO along Price Canyon is beneficial for many reasons. First, it reduces noise along the entire route of 2.4 miles of Noyes Road and 1.5 miles of Carpenter Canyon; both of which is full with residences compared with the 4.9 mile stretch of Price Canyon, of which only $\frac{1}{4}$ to $\frac{1}{2}$ mile has residences. Second, it

reduces road wear on 227 which is in disrepair. Price Canyon is also used for the heavily loaded oil trucks going in and out of the oilfield.

In the case of the Excelaron Project, the County has used this mitigation measure from the Noise Element to justify road traffic on Porter Ranch Road (the long access road from Highway 166) which connects to the oil well project via the Huasna Townsite Road, which connects to the Mankins Ranch Road to get to the site. So it is not a question of distance that the access road in question is from the site; Price Canyon is 1 mile from the landfill, Porter Ranch Road is 2.5 miles. This request to reroute onto Price Canyon is not infeasible and would be effective.

145. Application of Noise Element Stationary Noise Reduction Measures, Page V-213, point f, 1000' typo. Two places in this paragraph there is a typo error. The distance to the affected residences is 1,800' not 1,000'.

146. Application of Noise Element Stationary Noise Reduction Measures, Page V-213, point f, Line-of-sight requirement. In the third sentence, a new requirement has been added for noise impacted properties. It states that for the Noise Barrier Contingency Plan, NS/mm-3, that an additional requirement that the property now must also have a direct line-of-sight to the landfill's noisy operations to qualify for the Applicant to have to mitigate the noise it generates. If the noise is from the landfill, it must mitigate it. There is no need for the line of sight criteria, noise bends. With the criteria that the sound level must be greater than 50 dBA, it doesn't matter if there is a line-of-sight criterion. If, as it implies, the receptor will only be impacted or hear the noise if it has a line-of-sight to the operation, there is no worry, it will be measured and that assumption checked. If the RDEIR is correct, it won't reach a 50 dBA level, a moot point. If it is over 50 dBA and there is not a line of sight, that is where the problem occurs; those neighbors should not be excluded from the mitigation. While I doubt that for me it would be close to the 50 dBA level, I hear the landfill operation periodically here and I am two hills away from it, lower in elevation by 80 feet and shielded by the hills. Please either delete this requirement or just make the mitigating condition that the landfill must erect a wall that is always 25' above all operations to contain its noise at its property line to be less than 50 dBA. The neighbors are already being asked for concessions again and again with this project. This concession is not fair.

147. Application of Noise Element Stationary Noise Reduction Measures, Page V-213, point f, applicant works with applicant. There is a typo in the third sentence. The Applicant would not work with the Applicant, the Applicant would work with the neighbor or the County monitor.

148. Application of Noise Element Stationary Noise Reduction Measures, Page V-213, point f, 8' high noise barrier. Now another concession/limitation is slipped in where it was not included in the Noise Barrier Contingency Plan, NS/mm-3. Now it limits the height of the barrier to 8'. What if that doesn't drop the noise to the 50 dBA level? What happens with an 8' high berm and the outdoor activity area extends 50 feet beyond the fence, so the noise just runs over the top, hence no mitigation? Is the landowner now stuck with it? Then the description of the program in effect says that all CCL is liable for is the one-time payment for an 8' fence. That's worth about \$200. What happens if the land slopes up behind the outdoor activity area as it would for the Clements so 5 feet away from the fence, away from the landfill side, you would be looking right over the fence and it would just be a hindrance? These "new" terms make the condition unworkable.

149. Application of Noise Element Stationary Noise Reduction Measures, Page V-213, point f, changed conditions vs. NS/mm-3. This section of the write-up as documented in comments #146 and #148 changes the entire ability for mitigation measure NS/mm-3 to work. It won't work.

Therefore, either strike these limitations and let's just go back to the 50 dBA at the property line, the applicant must do anything and everything to meet that standard, even if it means placing and compacting the trash with horses and not machines or putting up a 25' high berm above all operations. This changes proposed are unreasonable, unworkable, does not meet the CEQA standard of feasible, and does not meet the standard of minimizing a significant impact. The Noise Element does not specify that it is only line-of-site criteria for the noise. It doesn't specify anything about an 8' high fence.

150. Application of Noise Element Stationary Noise Reduction Measures, Page V-212, point d, County Environmental Monitor. This is the first mention of a County Environmental Monitor in the Noise Section, but it follows on my comment #64, #86, and others to not include this function under Hazards, but better under a general project management condition. A mitigating condition similar to the ones the County proposed as measure N-1-3 on page 4.11-11 or measure N-2-4 on page 4.11-29 for the Draft EIR Excelaron Project would be appropriate.

151. Backup Warning Devices, Page V-213, The issue of the noise and the lack of mitigation. Please see comment #102. There is a problem between the two DEIRs for this project and the Excelaron project. For CCL it states that measurements of the backup alarms at 100-200 feet were 75 dBA. Yet on page 4.11-25 of the Excelaron report, it shows the backup alarm being 94 dBA at 94 feet as an OSHA number. I have found backup beeper alarms rated between 87-107 dBA at 3 feet, it seems apparent that the 94 dBA figure is more apt to be correct. In addition, the closest receptor at the Excelaron Project is 1,170 feet from the source. Here, because of the varied and changing positions of the working locations, activities will be occurring as close as 300-400 feet for 3 different residences. With only one or two backup alarms operating at a project, I would agree that the noise would be intermittent. But this project is different, by count of the heavy equipment listed in the Morro Groups' detailed listing in Appendix A of Attachment G-2; there are at least 21 pieces of heavy equipment operating. Add to that the trucks and the garbage trucks with backup alarms, no longer is the noise intermittent, but continuous, because for approximately 25% of the time, the unit will be in reverse. This is the same as having 5-10 trucks beeping continually. With a 1-3 second period, there would be a beep every second from 7 AM until 5 PM, seven days a week, for 30 years. That's not intermittent by any standard. Because of this, I believe the standard used should be 50 dBA, not 70 dBA, by which it should be judged. The writing shows the impact remains significant and unavoidable, hence I ask that the same mitigation measure as planned for the Excelaron Project should be used here. That Project has a mitigation measure N.2.1.g that states the requirement to "Install ambient sensitive backup indicators on all equipment requiring backup indicators to reduce backup noise". And that is for oil wells in a very remote area. If it is required and acceptable there, why a different standard here?

152. Bird Whistles, page V-214, current success. The last sentence should be corrected. The falcon program appears to be successful; the hawk/falcon program was not successful. The hawk/falcon program was unsuccessful, I believe, because of the number of falcons available (4 falcons/4 hawks vs. 6-8 falcons) and the amount of time that they were at the landfill (coverage over the entire period the face was exposed, plus 30 minutes).

153. Construction noise, page V-215, first full paragraph, second sentence. The operation does crush concrete and metal appliances in its recycling efforts that would be beyond the demolition of the scalehouse and other structures at the entrance. In the past it has been done on the top deck. This can be very noisy. In the past, the material would be stockpiled for months, and then there would be a full day or two of very loud, jarring, almost scary noise would occur. The new manager has started to do the crushing more as the material comes in so it can go right out, which really decreases

any impact because it is a shorter term. Although I provide this comment in "Construction", it probably should be included under "MRF". I suggest some words be added to acknowledge this activity, but put something in that states that due to the scheduling; it has not been a recent concern. Maybe make it a mitigation measure, that steel and concrete material must be crushed within 2 weeks of receipt. It's a noise that would really show up on the monitor if the monitors were there while they were crushing.

154. Construction Noise, page V-216, NS/mm-10. This project will go on for 30 or 40 more years. Technologies change. Please see comment #123 and incorporate those suggestions here. Also, please include the mitigation measure for the backup beepers; "Install ambient sensitive backup indicators on all equipment requiring backup indicators to reduce backup noise" under this section also, because where the comment is now does not apply to construction noise. Did you know that 41% of all noise complaints from construction sites come from the backup alarms?

155. Stationary Source Assessment, Impacts are sectionalized to Landfill, composting, etc, but should be applied to all portions of the project. In the write-ups, the mitigation measures are listed in a certain section, for instance, NS Impact 1 and NS/mm-1 through MM-3 are in the paragraph under landfill disposal activities noise. As such, one could argue that those mitigation measures do not apply to the compost operation, the stockpiling, the RRP, the MRF, etc. However, the measures proposed in these sections about noise and noise plans apply to all aspects of the operation and should not be singled out. I believe the following measures should be applied to all portions of the project: NS/mm-1, NS/mm-2, NS/mm-3, and NS/mm-10.

156. Appendix E-2, Noise Study, page 14, 1st full paragraph. Here it states that "Additionally there are federal and state safety regulations that require audible warning devices on many types of heavy equipment". OSHA does not require the warning device to be audible; in fact, in their interpretations they accept other methods, such as an onsite spotter. Additionally, this type of equipment does not need an audible device. If it is construction equipment (and elsewhere in the RDEIR it states that the disposal activities are NOT construction activities) OSHA requires an audible safety device, or a spotter, only if the operator does not have an unobstructed view {29 CFR Subpart O, Section 1926.602(a)(9)(ii)}. Since it is not construction equipment, then it comes under the Motor Vehicle sections of OSHA, and 29 CFR Subpart O Section 1926.601(b)(4) requires a reverse signal alarm only for equipment that has an obstructed view to the rear. All of the equipment I have seen at the landfill face has an unobstructed view to the rear. Please review the attached letter to Mr. Tom Reilly of Waste Connections about this subject (attachments are not provided here, they may be obtained from any of the County employees on the cc list). In Waste Connections response to the letter, it acknowledged that the letter's interpretations were correct, but it wanted the devices as a corporate safety policy. Therefore, please provide the state and federal regulations by code section that require audible warning devices on this equipment, and if unable to provide it, then the report must acknowledge that the reverse signal alarms are not needed for a regulatory reason and the comment should be stricken. It is immaterial if it is required on other heavy equipment, which is not the subject of this RDEIR. The report should also acknowledge that they are present, they are an impact, and they can be mitigated to a Class II impact with either the mitigation measures proposed in this comment letter, the alarm that self adjusts to 3 dBA over the background noise or to an onsite spotter.

157. Water Resources, Appendixes. Looking at the data and information provided in Appendix G-2, I believe that The Morro Group and Fugro have done a good job at retesting the wells and getting a much better handle on how the wells operate.

158. Water Resources, Page V-228, recharge basin size, first full paragraph. This rewrite retains the basin size of 1687 acres, despite the comments I made of the error in the original draft. There have been no responses to my multiple comments and technical discussion and analysis of the basin. My comments were vetted by an individual, known as the premier local water expert here, as being 100% correct. As such, my original comments that pertain to the basin stand. This RDEIR has the basin as 1,687 acres; I believe it to be 626 acres recharged via 1,101 acres. As stated in this write-up, I agree that this only affects the cumulative impacts and the determination of the project's impacts on the neighborhood. The authors have corrected the rainfall percolation to a lower figure, but I still can't determine any justification for the 9% figure, but by the same token, I can't provide any justification for my 6% figure other than a gut feel as how the rock operates under our property and watching well responses to rain over that last 10 years.

I suggest that to save time and expense, for the cumulative impacts, that the information be put in a range; state that the basis size could be 626 acres to 1,687 acres. With the increased recharge area I speak of, 1,101 acres with 2.0 inches of rain makes a recharge range of 184-281 acre-feet/year. Then the impact of the landfill drawing out 25 acre-ft/year represents 8.9-13.6% of the total available withdrawal. With this range of possibilities, everyone would be happy because reservoir and water engineering is not a precise science.

159. Existing Water Supply, page V-229, Weir Wells, first full paragraph, last sentence of paragraph. The last sentence leaves the reader hanging, how much were the estimates higher in 2008 vs. the 2010 measured numbers? I suggest the sentence read "The previous estimate of 78 GPM from the wells were higher than the proven current capacities of the wells which was 21.5 GPM."

160. Existing Water Supply, Leachate Availability, page V-231. This comment expands on my comment #58 in my March 16, 2009 DEIR comment letter where I questioned the leachate volume reported and I asked for a table to justify the 700,000 gallons of leachate Fugro stated was used per year as dust control. This new RDEIR has not added that table per my request, has not researched it, so I am providing it now.

In the RDEIR on page V-231, it states that "It has been estimated that *as much as* 2.1 acre-ft/year of leachate has been available for dust control by the RWQCB (Fugro, 2008)." The statement again, as elsewhere, uses a "let's hope for term" when it says the leachate could produce "*as much as*", then proceeds to count on it as an absolute figure that CCL can count on that amount of water from the leachate. I just went to the RWQCB site and looked at the leachate volumes as reported by CCL over the last years. The backup data is attached to this letter. The following is the result.

Year	Gallons of leachate water recovered in year		
	1 st half of year	2 nd half of year	Total gallons (acre-ft)
2006	347,700 + 147,842	138,500	624,700 (1.9)
2007	267,690	80,500	348,190 (1.1)
2008	133,200	90,900	224,100 (0.7)
2009	88,200	154,090	242,290 (0.7)
2010	97,200	161,100	258,300 (0.8)

It is clear based on the data, that the leachate recovery is nowhere near 2.1 acre-ft/year. Looking at the result, it appears that the year 2006 was very anomalous, especially the first quarter, maybe rainwater mixed in with the leachate because the second half of the year roughly corresponds to the

other 4 years. 2006 did have very low rainfall of about 7" for the entire year. In addition, the leachate drains out of the materials that are landfilled.

The average of the good data years is 0.8 acre-ft/year. Use this figure for all of the subsequent tables, discussions and conclusions for this section. The 2.1 afy figure is clearly bogus.

161. Water Demand in Relationship to Supply, pages V-231-V-233, Overstatement of availability. The analysis ignores a very key point about the relationship between water supplies that depend on rainwater and wells with a demand that is higher in the summer and fall months than the winter. The wells have a limited production potential, 25.1 GPM. The EIR assumes that this is available and usable for 60 minutes/hour, 24 hours/day, and 365 days per year. This is true, but only if there is the instantaneous demand for 25.2 GPM. There is not that demand in the winter, and it is limited by the storage capacity of the reservoirs and tanks that can hold the water. If the water were going into an unlimited demand system, the assumption is correct. But this is not an unlimited demand. In the simplest terms, during the winter when it rains, as soon as the reservoirs and holding ponds at the landfill are filled due to rain or well water, if the wells are operating, they then are shutdown, because that excess water has nowhere to be stored. If the consumption is running at 25.1 GPM, the well could be on to keep the reservoir topped off, but that is at the risk of overflowing the pond while it rains, causing problems with the RWQCB and the outfall. In addition, any rain that occurs after the reservoirs are full is also spilled and lost forever. The RDEIR does not know the capacity of the ponds (page V-231, paragraph 3), but it believes the ponds have the potential to supply 123,000 gallons/month. The pond is not the supply source; the supply source is the rain and the wells.

Look at it this way in this example how the calculation works. We are moving into fall. The rainwater supply has been depleted. Ponds are empty. It has not rained. The well is giving all that it can, 25.1 GPM towards the users and to fill up the reservoir with the water not immediately used. We jump then to January, the demand drops to 3.7 GPM (from Table V.K.-3, 166,400 gallons/month). The wells continue to operate; now filling the pond at the rate of 17.8 GPM. Let's assume the pond volume is 123,000 gallons (not the case, it must be less to be able to only supply that much in a month. The volume needs to be determined; it is a very simple calculation). At 17.8 GPM, using the maximum size of the pond or 123,000 gallons, it is filled in 4.8 days by the wells. So at that point, the pond is filled, the demand is 3.7 GPM, and for the balance of the month they can only take as much water from the well as the demand is, 3.7 GPM. For the balance of the month, 25.2 days, 17.8 GPM is lost forever. The next month, it is the same situation (158,800 gal/month demand, Table V.K.-3), but the reservoir is filled, so for the entire month, the available take from the well is 3.7 GPM, the 17.8 continues to be lost. For just this two months example, mathematically this reduces the availability of water from the 21.5 GPM assumed for a year, to an annualized 18.5 GPM {figured by the equation $(21.5 * 10 \text{ months} + 3.7 * 2 \text{ months}) / 12 \text{ months}$ }.

Then, because the reservoir has been full for the last 2 months, any rainfall is also lost because there is no place to contain it, so the surface water of 7 acre-ft/year counted on in Table V.K.-2 is also lost. On Table 2 of Fugro's 2010 report, it shows that for January and February, precipitation was 10.61 inches, roughly 56% of the entire rainfall for the year. Then 56% of the 7 acre-ft is lost, or (-3.9) acre-ft of the supply. (Note: while table V.K.-2 reference 7 afy of surface water as a figure from Fugro's 2010 report, I can't find that number in the report).

Just with this small example how the storage system works in relationship to rainfall, changes the potential water supply shown in Table V.K.-2 as follows:

Source	RDEIR report (afy)	Corrections per above 2 comments (afy)
Weir wells	25	21.5 (reduce to 86% per well on-time availability)
Surface water	7	3.1 (reduced for rainwater spillage since above number assumes wells were operating in month. If the well wasn't operating, the exact amount this goes up, but the Weir well number goes down by the same amount)
Leachate	2.1	0.8 (per bad data)
Imported water (off site)	1.6	1.6
Total On-site supply	34.1	25.4

To be factually correct, the above analysis should be done for the entire year, just showing the impact for 2 months demonstrates how large the small corrections can be. In terms of sensitivity of the numbers, if the pond volume was doubled, the change of the numbers would be small. If the surface water number is incorrect, any increase would be lost by spillage, and any decrease would also be lost by spillage, but the net taken between the wells and the rain would be exactly the same.

This lower supply number should then be used in the balance of the RDEIR to determine impacts.

162. Water Resources, Table V.K.-3, Leachate Use, page V-233. It is unclear how leachate is accounted for. It is to be used for dust control over the lined portions of the landfill. If its use is included in the table (which I suspect, but it is a function of where the data was obtained), I suggest adding a footnote that the leachate use is included only in the Landfill Dust Control column.

163. Water Resources, Page V-236, 2nd full paragraph. This paragraph supports my comment #161 above about the overlap of well water and rain water and excess spillage.

164. Water Resources, Enforcement Actions, page V-235 thru V-237. On June 27, 2011, RWQCB issued another NOV for the operation that ties in with the other 2011 NOV. While it was issued after the publishing of this RDEIR, the details of the NOV should be included here because it updates the compliance status on this issue which is negative, constantly changing, and a changing negative impact. Attached to this hard copy is the first 8 pages of the NOV and 2 pages of the maps; the pictures are not included here but in the email version of this letter.

165. Water Resources, Project Specific Impacts, Interference Effects, page V-245, last sentence. A conclusion is stated about the predicted drawdown at the Gomez well after one year. However, the interference has gone on now for 7 years. Is the fact that it has operated for 7 years and the data entered in is today's data reflected in the results? Can the analysis also be run for 5 years out and 10 years out as this project may last for 40 years? I also suggest that a sentence be added here that based on the overlapping effects of rainfall and not being able to pump the Weir wells during the winter due to the lack of adequate holding capacity (comment #161), that these effects as predicted by the Theis analysis overstate what the actual impact will be.

166. Water Resources, WR/mm-2, page V-246, bullet point 3. The correct mitigation measure is HAZ/mm-11.

167. Water Resources, WR/mm-2, page V-246, bullet point 4. While I understand that the 25 afy figure has many assumptions in it and is not absolute, organizations move slowly in respond to problems. I suggest that the wording in the second sentence be changed. "The Applicant shall notify the County in its monthly report when the operation has used 20 afy in the year, and immediately should the 25 afy threshold be exceeded to..."

168. Water Resources, Project Specific Impacts, Daily Operations, Dust Control, page V-247, increased usage. A point to note and incorporate. Water usage for dust control will go up. If the CO is started, mitigation measure HAZ/mm-8(a) does not allow any smoke plume higher than 5-10' above the windrow. For a large percentage of time, I and inspectors have observed that the plume is much greater than this. Therefore, to comply with that measure, it will take more water for dust control; how much, I have no idea.

169. Water Resources, Project Specific Impacts, Daily Operations, Landscaping, page V-248, water usage will not stop. To have effective landscaping, it will have to be watered more than 3 years. With the addition of more soundproofing berms, more landscaping will be required. FYI, oaks trees will not cut it for the landscaping, they only get to a height for effective screening after 15-20 years, which is about the time the landfill will be starting its wrap-up operations. That is not the intent of the landscaping. It is to block the view/odors/noise now. This will require a different type of planting, maybe eucalyptus, those fast growing freeway bushes, whatever. But those will need water to keep them alive and healthy. As evidenced by the ineffective landscape screening required by permit for the existing RRP (that has not worked or noted as a violation by County staff yet), that will not be the situation again. Whatever is planted, it must screen and screen fast, and that means lots of water.

170. Water Resources, Project Specific Impacts, Daily Operations, Total Potential Future Annual Demand, table V.K.-8, page V-248, Order of Demand. I can see the situation in the future where the composting is operating and it has taken in 150 TPD of material for the last month, it is the summer, the ponds are dry, and the water supply is tight. Four water uses are listed here, along with landscaping and module construction. There needs to be a mitigation measure addressing the priority of water demand and who has first call on that limited water. We have seen the problem in the past summers, dust control and other water measures took the back seat to the composting for the sake of financial gain at the expense of impacts to the neighbors. I suggest that it be stated clearly here what that priority will be, based on environmental impacts and health risks. It will also make it easy for the County Monitor to police the operation, get compliance, and not be in an arguing match between the neighbors and the landfill every month or so. The priority I suggest being laid out is this:

1 st priority	Non-potable employee water use
2 nd priority	Dust control
3 rd priority	MRF
4 th priority	Landscaping
5 th priority	Compost operation
6 th priority	Module construction

So if water is in short supply, the first cutoff use is the module construction; it could use trucked in water. Second, the composting; choosing to let a few rows get dryer should not impact much; some rows will be delayed in the turning until non-windy higher humidity days. Then if that doesn't make enough conservation (it should because those two items reflects about 1/2 of the water use), then cut down on the landscaping water. I believe that the dust control should be a high priority due to some potentially bad offsite impacts.

Maybe this would be added with WR/mm-3, 4 and 5.

171. Water Resources, Project Specific Impacts, Daily Operations, Total Potential Water Supply, Table V.K-9, page V-249, correct per lack of storage capacity. Please correct this table to reflect the reduction of on-site water due to lack of adequate storage capacity as described in comment #161.

172. Water Resources, Project Specific Impacts, WR Impact 2, Residual Impact, page V-250, water requirements of ASP, paragraph before the Residual Impact description. It is my understanding that the ASP process uses the same amount of water as the windrow technique. This most likely won't help the problem at all. I don't know how much the AD process needs, but it will need something to move the product and that water could be recycled, hence not a loss. But if the composting were put in a building, I would suspect water consumption drops dramatically because the California sun is not beating on it drying out the bugs.

173. Water Resources, Project Specific Impacts, WR Impact 2, residual Impact, page V-250, alternate mitigation measure implementation, paragraph before the Residual Impact description. I suggest that where it says NS/mm-6, it should be NS/mm-6(b).

174. Water Resources, Project Specific Impacts, Surface Water Quality, WR/mm-8, page V-250, RWQCB violations. In this measure, the applicant only has to show to the planning Department that all WDR violations have been addressed to the satisfaction of RWQCB every 5-7 years or so. To keep track of what is happening in the operation, I think that this information should be provided biannually to the County or every 3 years with the permit reevaluation. If there are no issues, it is no problem. But if there is an issue with water contamination, the County needs to know about it sooner rather than later.

Those violations also affect other aspects of the project; for instance, I understand that RWQCB wants CCL to put in a retention basin to handle the 100 year, 24 hour storm because of the recent NOV's. By data in CCL's 2005, 2nd half data submittal to RWQCB, they present that the design storm will be 6.74". Looking at just CCL's 88 acre current disposal footprint, a 6 foot deep pond would require over 8 acres; over the 134 acre expansion, the pond would be 12.5 acres (the 6' limitation keeps clear of the Army Corps of Engineers and dam design). It doesn't appear that this space is available. I would think the County would want to know that now vs. in 5 years because grading, noise, dust, biological resources, water impacts, and a host of other issues would be affected. By getting this information in a timely manner, the County can effectively mitigate the impacts.

With this more frequent reporting, the County also would know that water had been going offsite, and if someone downstream or animals downstream are reported as being sick or dying, the County will be prepared to answer.

175. Water Resources, Cumulative Impacts, page V-255. Again, this first paragraph makes an assumption that parcels not with intensive agriculture but within the agriculture land use category would be developed with vineyards. What does it take for the water experts to understand that **THERE IS NO WATER HERE** just because the County has drawn a line and said it is agriculture? That's why you had to do the whole new reissuance of the DEIR for the water. Fugro had to look at the adjoining well data. It even includes the Gomez well data in Appendix G-2 showing a test production rate of 25 GPM. What expert has made this determination, because they should be fired in a second if they claim any groundwater expertise or fired if they work in County for long-term

planning. It is just simply flat out wrong and is not supported by any facts. Not one fact is presented to possibly support this claim, yet real data has been provided and generated by the consultants via well test to show it is false. The only reason I can think of that this position is still being advanced in the face of hard data showing it is factually incorrect is that someone is trying to bias the results thinking that if it shows the landfill is only a small part of the water draw from the aquifer that he will get a gold star. Change it to reflect the facts.

176. Water Resources, Agricultural Demand, page V-256, first paragraph, third sentence. It states that 147 acres of vineyards and other agricultural commodities are in the hydrogeologic study area. Please describe exactly where the water comes from for those vineyards by well name and specific mapped location showing the piping of the well location to the vineyards and other plantings. I gave you my data on page 18 of my 2009 comment letter. Where is your data? Don't rely on someone in the office; call George Donati who manages the wells for the vineyards and the other plantings. I'll give you a hint that can save time; the well is out of the hydrogeologic study area, so add a comment at the end of the last sentence that "but that demand is supplied by a well outside of the hydrogeologic study area" and delete the inclusion of this water in Table V.K-10.

Or another way to convince you. The author states that the current water demand to irrigate 147 acres is about 118 afy. Grapes don't get watered every day; they are watered weekly from June until the harvest in roughly October, then no water for the balance of the year (This can be confirmed by talking with the Ag Department's office or the Farm Bureau.) So that 118 afy the report states is all produced and used over a 5 month period. There are no big ponds holding this volume of water. Look at the aerial photos. Assuming there was a watering schedule that allowed the well(s) to produce evenly over the 4 watering months, they would have to produce at a rate of 175 GPM continually for the 4 months. That is a very big well so it would be very plainly visible and seen on aerial photos. If electric, the power lines to it would be big and the transformers bigger. If diesel, it would be known by the APCD. Please identify where that/those well(s) are in the hydrogeologic area.

177. Water Resources, Agricultural Demand, page V-256, second paragraph. This whole paragraph is just so utterly stupid I can't even comment upon it. Why didn't they assume that we were going to put in rice paddies? Or hydroponic tomatoes. Or an aquaculture project. It is just as possible. If the authors would get out and talk to anyone who actually lives here about their water supply as opposed to just talking to other people in the office, they would see how ridiculous they look by making these claims. Talk to any of the vineyard managers about water and ask if they would ever try to develop any of these 550 acres based on the water supplies underneath the parcels? Ask the Ag department if there is water in this specific area. Ask the real estate agents how many wells were drilled in the hydrogeologic area during escrows for property sales where the buyer wanted to develop a vineyard. The answer would be many wells, no water, and no closings. Look, the Edna Valley is fully developed with vineyards, believe me, with the money made in vineyards, many have looked at all this acreage about the possibility of using it for the premium grapes over the last 40 years. But there is no water. Grapes do not grow without it. Tomatoes don't grow without it. There is a reason that it is dry farmed, and it's not because the landowner is dumb. He knows there is no water. It is just practical sense.

Although it was assumed that only 50% would be vineyards, which is absurd. The area is dry farmed; it will never be anything more, except maybe a low water usage plant that can survive droughts like olive trees. Use that as the future agriculture demand.

178. Surrounding Wells and Land Use Categories, Figure V.K.-2, page V-259. This original map in the DEIR showed the wells in the area. The Title of the plate is "Surrounding Wells". There

are no wells shown on the map. Why not? Please respond in light of the response to the two previous questions.

179. Surrounding Wells, Figure V.K.-2, page V-259. When the wells are added to the map referenced above, please add in parenthesis next to each one the results of the pump test as reported to the State for each well. When we met with Fugro to set up the program for the well testing, Mr. Nicely of Fugro indicated that he could access all of the well reports in the State very easily, so this should not be a problem. It also would be good evidence to backup the assumption that there is 220 acre-ft/year of water available for vineyards in the study area.

180. Removal of Land Area that is Proven to not have Water for Vineyards, Figure V.K.-2, page V-259. Please remove the cross hatched area for APN's 044-171-008 and 044-171-009 as potential vineyards. Wells have been drilled on the property that do not produce enough water for a vineyard, and barely enough for a residence. This will be a reduction of 80 acres from the potential area the author thinks has water beneath it and could support a vineyard.

181. Water Resources, Residential Demand, page V-257, first sentence at the top of the page. The proposed project would be to increase the composting to 300 TPD. Ignoring the increases from all aspects except the composting, according to Table V.K.-8, current demand with 100 TPD is 8.1 afy. Therefore, the increase for the compost demands, before mitigation would be 200% of that number, or 16.2 afy, not 7 afy. Please correct it throughout this section.

182. Water Resources, Future demand, page V-257, last sentence of first full paragraph below the table. As long as you are trying to relate this volume to something that the layperson can understand, please add to the 7 afy comparison to how many acres of rice paddies this is equivalent to because it has just as much possibility as a comparison to a vineyard in this area.

Thank you allowing me to submit these comments. As you review these comments, if you have any questions or do not understand the point of the question or comment, please contact me at (805) 541-1895 or by email at brucefal@yahoo.com. I look forward to your responses.

Sincerely,

Bruce Falkenhagen

Attachments-

Letter to Tom Reilly dated January 20, 2010 on backup alarms

Smart backup alarm brochure

CCL reports to RWQCB covering semiannual reports from 2006 thru 2010

June 27 RWQCB NOV

January 20, 2010
Via email, hard copy not to follow

Tom Reilly
Waste Connections
Folsom, CA

Re: OSHA Regulations concerning backup beepers

Dear Tom:

In the meeting called by Cold Canyon Landfill on January 12, 2010, there was a brief discussion of the use of backup beepers at the composting and material recovery facility, and peripherally at the landfill area. CCL's 1996 permit #D950031D Condition 1.f. permit requires "backup beepers shall be adjusted to the minimum level approved by OSHA". CCL's subsequent permit in 2001 received a negative declaration because of this previous condition. Condition 13.c of the MRF facility permit #D960087:B has the requirement that "Backup beepers shall be turned down to the maximum extent allowed by OSHA."

At that meeting, I contended that backup beepers were not required, as they are only required if the motor vehicle has an obstructed view to the rear. The equipment used at the composting and MRF, and many at the landfill face, have an unobstructed view to the rear, hence no backup beeper was required. In addition, alternatives are available to the use of a backup beeper.

My understanding of your contention was that they were required by OSHA, and that Waste Connections had received a violation from OSHA for operating some equipment at composting without a backup beeper.

As this is a simple yes-no question/comment, we decided to share the information we had, and the result would be obvious. This letter and attachments contain my current share of the information.

Attachment 1 and 2 are the pertinent Sections of the CFR. If one argues that the activities are considered "construction" (Material Handling Equipment), it comes under 29CFR Subpart O 1926.602 which covers earthmoving equipment, scrapers, loaders, crawler or wheel tractors, bulldozers, off highway trucks, graders, agricultural and industrial tractors and similar equipment. Section 1926.602(a)(9)(i) states that all equipment (listed above) must have a horn when equipment is moving in either direction, (note, a "horn", not a backup beeper, "reverse signal alarm"). Section 1926.602(a) (9) (ii) requires a reverse signal alarm only if the operator does not have an unobstructed view. (Underline added)

If one argues that the equipment is considered a "Motor Vehicle", it comes under 29CFR Subpart O, Section 1926.601. Section 1926.601(b) (4) requires a reverse signal alarm only for equipment that has an obstructed view to the rear. On site observations indicated that all equipment did not have an obstructed view to the rear, hence a reverse signal alarm is not required by OSHA.

Therefore, a reverse signal alarm is not required by OSHA, and the permit requirement of "beepers shall be adjusted to the minimum level approved by OSHA" means the beepers can be shut off totally.

January 20, 2010

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If CCL argues that it is subject to the beeper rule, there are other options. The regulations allow alternate techniques to accomplish the purpose of the beepers, such as having an observer watching behind the moving equipment. Since this is an allowed option by OSHA, that would constitute the minimum noise level required by the permit, and would be the controlling case. Alternatively, OSHA allows devices that detect if people are behind the equipment to satisfy the requirements of the standard.

The following additional attachments that are OSHA Interpretations of this portion of the regulation are provided.

- 1) Attachment 3; Noise and Potential Hazard of Backup Alarms, 10/29/1991. In this letter response to Senator Tom Harkin in 1991, OSHA stated that there are only two requirements related to backup alarms (as I show above). In the letter, it goes on to reiterate that the employers have flexibility in determining the best method to warn of danger of backing vehicles and also suggests that an employee can be used to signal if it is safe to backup. It addresses that the usefulness as a warning device may be lost if the alarm sounds constantly and that there are alarms that have been used successfully that operate only after motion is detected at the rear of backing vehicles.
- 2) Attachment 4; Alternatives to Common Backup Alarms, Use of Signal Persons 9/27/2004. In this letter response, OSHA was responding to a question that the noise was stressful to residents who live nearby and are there alternatives that would be less noise-intrusive, similar to the situation at CCL. OSHA states that the provisions of their standards do not specify that a reverse signal alarm be of the single-tone type, but the standards allow flexibility by the employers to determine whether a method provides adequate warning, with possibly a "white noise" system or using an observer/signal person.
- 3) Attachment 5; Whether Discriminating Backup Alarms May be Used, 9/20/2007. In this letter response, OSHA stated that a "discriminating alarm" that detects objects or persons at the rear of equipment and sounds if something is detected is acceptable, as long as the alarm was consistently effective in detecting any employee in the path.
- 4) Attachment 6; Requirements for Backup Alarms on Construction Vehicles, 11/3/1998. In this letter response, the questioner expressed concern that the electronic high pitched alarm sounds can irritate the nervous system. OSHA stated that there was no data to indicate an impact to the nervous system, however then went on to state that the employers are allowed flexibility in determining the best method to warn of the danger of a backing vehicle, including an observer to signal the driver that it is safe to proceed.
- 5) Attachment 7; "Audible above" determination, 7/23/1979. In this letter response, OSHA stated that the intended meaning of the words "audible above" is to distinguish the alarm from the surrounding noise level. There is no mention of any sort of required decibel level.

It has been stated by CCL personnel that OSHA requires a 70 dBA noise level. As indicated above, this is not the case. The standards also do not require that people 1-1/2 mile from the site hear the reverse signal alarm.

As indicated above, the minimum noise level as allowed by OSHA would be having an observer/signal person by all equipment that has a backup alarm requirement. Alternatively,

CCL could propose using a detection device to signal a problem, but that in itself would be in violation of the permit conditions. Use of continual beepers are definitely a violation of the permit conditions.

In the meeting, it was stated that CCL had received a Notice of Violation by OSHA for not having the backup beepers. In my preliminary search of OSHA violations by Waste Connections, I cannot find evidence of this violation. Please forward to me the information that you have showing this violation occurred in light of the above regulations that govern the operation.

If you have any questions, please call me at the number below on the first page.

Sincerely,

Bruce Falkenhagen

cc: Sue Barone, neighbor
John McKenzie, SLO County Planning
John Noll, SLO County Planning
Art Trinidad, SLO County Enforcement
Bruce Rizzoli, Cold Canyon Landfill
Tom Martin, Cold Canyon Landfill
Adam Hill, County Supervisor

Attachments:

- 1) OSHA Regulations- Motor vehicles, 1926.601
- 2) OSHA regulations- Material Handling Equipment, 1926.602
- 3) OSHA Interpretation- Noise and potential hazard of backup alarms, 10/29/1991
- 4) OSHA Interpretation- Alternatives to common backup alarms, Use of Signal Persons 9/27/2004
- 5) OSHA Interpretation- Whether discriminating backup alarms may be used, 9/20/2007
- 6) OSHA Interpretation- Requirements for backup alarms on construction vehicles, 11/3/1998
- 7) OSHA Interpretation- "Audible above" determination, 7/23/1979

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UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

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Regulations (Standards - 29 CFR)
Motor vehicles. - 1926.601

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• Part Number:	1926
• Part Title:	Safety and Health Regulations for Construction
• Subpart:	O
• Subpart Title:	Motor Vehicles, Mechanized Equipment, and Marine Operations
• Standard Number:	1926.601
• Title:	Motor vehicles.

1926.601(a)

Coverage. Motor vehicles as covered by this part are those vehicles that operate within an off-highway jobsite, not open to public traffic. The requirements of this section do not apply to equipment for which rules are prescribed in 1926.602.

1926.601(b)

General requirements.

1926.601(b)(1)

All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These systems may use common components, and shall be maintained in operable condition.

1926.601(b)(2)

-

1926.601(b)(2)(i)

Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

1926.601(b)(2)(ii)

All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

1926.601(b)(3)

All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

..1926.601(b)(4)

1926.601(b)(4)

No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

1926.601(b)(4)(i)

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The vehicle has a reverse signal alarm audible above the surrounding noise level or:

1926.601(b)(4)(ii)

The vehicle is backed up only when an observer signals that it is safe to do so.

1926.601(b)(5)

All vehicles with cabs shall be equipped with windshields and powered wipers. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

1926.601(b)(6)

All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

1926.601(b)(7)

Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

1926.601(b)(8)

Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

.. 1926.601(b)(9)**1926.601(b)(9)**

Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

1926.601(b)(10)

Trucks with dump bodies shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

1926.601(b)(11)

Operating levers controlling hoisting or dumping devices on haulage bodies shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

1926.601(b)(12)

Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

1926.601(b)(13)

-

1926.601(b)(13)(i)

All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than May 1, 1973.

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1926.601(b)(13)(ii)

Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

1926.601(b)(14)

1926.601(b)(14)

All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, etc., where such equipment is necessary.

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UNITED STATES DEPARTMENT OF LABOR
 OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

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Regulations (Standards - 29 CFR)
Material handling equipment. - 1926.602

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• Part Number:	1926
• Part Title:	Safety and Health Regulations for Construction
• Subpart:	O
• Subpart Title:	Motor Vehicles, Mechanized Equipment, and Marine Operations
• Standard Number:	1926.602
• Title:	Material handling equipment.

1926.602(a)

Earthmoving equipment; General.

1926.602(a)(1)

These rules apply to the following types of earthmoving equipment: scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

1926.602(a)(2)

Seat belts.

1926.602(a)(2)(i)

Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

1926.602(a)(2)(ii)

Seat belts need not be provided for equipment which is designed only for standup operation.

1926.602(a)(2)(iii)

Seat belts need not be provided for equipment which does not have roll-over protective structure (ROPS) or adequate canopy protection.

..1926.602(a)(3)

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1926.602(a)(3)

Access roadways and grades.

1926.602(a)(3)(i)

No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

1926.602(a)(3)(ii)

Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

1926.602(a)(4)

Brakes. All earthmoving equipment mentioned in this 1926.602(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-Propelled Scrapers.....	SAE J319b-1971.
Self-Propelled Graders.....	SAE J236-1971.
Trucks and Wagons.....	SAE J166-1971.
Front End Loaders and Dozers..	SAE J237-1971.

1926.602(a)(5)

Fenders. Pneumatic-tired earth-moving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under 1926.2, that the uncovered wheels present no hazard to personnel from flying materials.

1926.602(a)(6)

Rollover protective structures (ROPS). See Subpart W of this part for requirements for rollover protective structures and overhead protection.

..1926.602(a)(7)**1926.602(a)(7)**

Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

1926.602(a)(8)

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Specific effective dates-brakes and fenders.

1926.602(a)(8)(i)

Equipment mentioned in paragraph (a)(4) and (5) of this section, and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes and fenders. Equipment mentioned in paragraphs (a) (4) and (5) of this section, and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than June 30, 1973. It should be noted that, as permitted under 1926.2, employers may request variations from the applicable brakes and fender standards required by this subpart. Employers wishing to seek variations from the applicable brakes and fenders rules may submit any requests for variations after the publication of this document in the Federal Register. Any statements intending to meet the requirements of 1926.2(b)(4), should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

1926.602(a)(8)(ii)

Notwithstanding the provisions of paragraphs (a)(5) and (a)(8)(i) of this section, the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment, is suspended pending reconsideration of the requirement.

..1926.602(a)(9)**1926.602(a)(9)**

Audible alarms.

1926.602(a)(9)(i)

All bidirectional machines, such as rollers, compacters, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

1926.602(a)(9)(ii)

No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

1926.602(a)(10)

Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

1926.602(b)

Excavating and other equipment.

1926.602(b)(1)

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Tractors covered in paragraph (a) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though back-hoes, breakers, or other similar attachments are used on these machines for excavating or other work.

1926.602(b)(2)

For the purposes of this subpart and of Subpart N of this part, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

..1926.602(b)(3)**1926.602(b)(3)**

The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Associations Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

1926.602(c)

Lifting and hauling equipment (other than equipment covered under Subpart N of this part).

1926.602(c)(1)

Industrial trucks shall meet the requirements of 1926.600 and the following:

1926.602(c)(1)(i)

Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

1926.602(c)(1)(ii)

No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

1926.602(c)(1)(iii)

If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

..1926.602(c)(1)(iv)**1926.602(c)(1)(iv)**

Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall

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Material handling equipment. - 1926.602

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be mounted within the periphery of the wheel.

1926.602(c)(1)(v)

All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 421 of American National Standards Institute B56.1-1989, Safety Standards for Powered Industrial Trucks.

1926.602(c)(1)(vi)

All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1989, Safety Standards for Powered Industrial Trucks.

1926.602(c)(1)(vii)

Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

1926.602(c)(1)(viii)

Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions shall be taken for the protection of personnel being elevated.

1926.602(c)(1)(viii)(A)

Use of a safety platform firmly secured to the lifting carriage and/or forks.

..1926.602(c)(1)(viii)(B)**1926.602(c)(1)(viii)(B)**

Means shall be provided whereby personnel on the platform can shut off power to the truck.

1926.602(c)(1)(viii)(C)

Such protection from falling objects as indicated necessary by the operating conditions shall be provided.

1926.602(d)**Powered industrial truck operator training.**

Note: The requirements applicable to construction work under this paragraph are identical to those set forth at §1910.178(l) of this chapter.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 58 FR 35183, June 30, 1993; 63 FR 66274, Dec. 1, 1998]

◀ [Next Standard \(1926.603\)](#)

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Material handling equipment. - 1926.602

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Standard Interpretations

10/29/1991 - Noise and potential hazard of backup alarms on equipment at construction sites.

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• **Standard Number:** [1926.601\(b\)\(4\)](#); [1926.602\(a\)\(9\)](#)

October 29, 1991

The Honorable Tom Harkin
United States Senator
Post Office Box 74884
Cedar Rapids, Iowa 52407-4884

Dear Senator Harkin:

Thank you for your letter of September 24 on behalf of your constituent, Mr. Waldo Morris, concerning the added noise and potential hazard of backup alarms on equipment at construction sites.

The Occupational Safety and Health Administration (OSHA) has two requirements relating to backup alarms. Both requirements are in the construction safety and health standards and apply only to motor vehicles and materials handling equipment used in construction operations. The OSHA requirements allow employers some flexibility in determining the best method to warn of the danger of backing vehicles. Specifically, when a driver's view to the rear is obstructed, the vehicle must either be equipped with an alarm, or an employee must signal the driver that it is safe to proceed. If an alarm is used, it must be loud enough to be distinguishable from other sounds.

Mr. Morris questioned the benefits of "noisy" backup alarms and stated the noise was a hazard on the jobsite. An analysis was made in 1971 when the standards were first promulgated. At that time, it was determined that backup alarms saved lives. We believe the benefits of backup alarms still exist. However, as Mr. Morris pointed out, when the alarm sounds constantly, its usefulness as a warning device may be lost. This need not be a problem, however, as there are alarms which sound only after motion has been detected at the rear of a backing vehicle. Such alarms have been successfully used on a variety of vehicles and their use may be appropriate in the type of situation described by Mr. Morris. In addition, this type of intermittent alarm would also alleviate the potential for hearing loss mentioned by Mr. Morris.

Your interest in safety is appreciated.

Sincerely,

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10/29/1991 - Noise and potential hazard of backup alarms on equipment at construction si... Page 2 of 2

Gerard F. Scannell
Assistant Secretary

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Standard Interpretations

09/27/2004 - Alternatives to common back-up alarms on construction motor vehicles; use of other effective technology or observers/signal persons.

Standard Interpretations - Table of Contents

- **Standard Number:** 1926.601; 1926.601(b); 1926.601(b)(4); 1926.601(b)(4)(I); 1926.601(b)(4)(II); 1926.602; 1926.602(a); 1926.602(a)(9); 1926.602(a)(9)(I)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

September 27, 2004

[Name and address withheld]

Re: §§1926.601(b)(4) and 1926.602(a)(9)

Dear [Name withheld]:

Thank you for your letter of April 30, 2004, regarding noise emanating from excavating equipment and the Occupational Safety and Health Administration (OSHA) requirements for back-up alarms on construction equipment. We apologize for the delay in responding.

We have paraphrased your question as follows:

Question: The repetitive, piercing beeping noise emitted from back-up alarms on excavating equipment at a construction site is stressful to residents who live nearby. Other methods of alerting or warning employees have become available in recent years. Do OSHA back-up alarm requirements allow for the use of methods that would be less noise-intrusive to nearby residents?

Answer: Yes. Two OSHA requirements, 29 CFR 1926.601(b)(4) and 1926.602(a)(9), relate to back-up alarms in construction. Those provisions were promulgated in 1971 and were derived from Army Corps of Engineers standards.

Title 29 CFR 1926.601(b)(4) states:

§1926.601 Motor vehicles.

(b) General requirements.

(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

- (I) The vehicle has a reverse signal alarm audible above the surrounding noise level or;
- (II) The vehicle is backed up only when an observer signals that it is safe to do so.

Section 1926.602(a)(9)(II) states:

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09/27/2004 - Alternatives to common back-up alarms on construction motor vehicles; use... Page 2 of 3

§1926.602 Material handling equipment.

(a) Earthmoving equipment; General.

(9) Audible alarms.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

These standards were established because of the pervasive construction hazard of being struck by construction vehicles. Recent OSHA data underlines the importance of protecting against this hazard. In the period 2001-2004, OSHA investigated eight fatal accidents in which a worker was struck by a construction vehicle that was backing up without an operable alarm.

However, as we explained in a November 3, 1996 interpretation letter to Ms. Sue Nunn, who expressed concerns similar to yours,¹ §§1926.601(b)(4) and 1926.602(a)(9) by their terms give employers flexibility beyond the use of alarms—both provisions permit the use of an observer/signal person instead.

In addition, in a May 27, 2004 interpretation letter to Mr. Richard Holmes, we acknowledged that the standard may be met through the use of more technically advanced devices than the common single (high-pitch) tone alarm. Mr. Holmes asked if a reverse alarm manufactured in the United Kingdom that uses "white noise" instead of a single-tone alarm could be used to meet these requirements. We stated that §§1926.601(b)(4) and 1926.602(a)(9) allow for the use of such devices if they are shown to be effective.

These provisions, by their terms, do not specify that a reverse signal alarm be of the single-tone type. However, we have neither the data nor the resources to evaluate whether this particular device would be "audible above the surrounding noise level" as required by the standard. **If it does meet this test—that is, provides adequate warning to workers in the path of the vehicle, and to workers walking towards the path of the vehicle in time to avoid contact—it would comply with §1926.601(b)(4).** [Emphasis added.]

In sum, we appreciate your concern about unintended, adverse consequences to those living near construction sites from the use of the common type of alarm. We reiterate that the standard does provide flexibility to construction employers, both in terms of using other technology that is effective and in using observers/signal persons.

If you need additional information, please do not hesitate to contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Guidance, fax # 202-693-1689. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

Russell B. Swanson, Director
Directorate of Construction

¹ OSHA paraphrased the concerns stated in Ms. Nunn's as follows: "Your letter expressed concern that electronic high-pitched alarm sounds can irritate the nervous system, which you assert can affect construction workers physically and emotionally. You also note that the noise can affect others who are near construction sites, and you ask that the Agency ensure that there is a balance between the safety merits of back-up alarms with the detrimental effects from the sounds they make. You explain that over the past 15 years, mechanical bell alarms have been replaced by high-pitched electronic sound-producing devices and request that OSHA study the effects of the noise made by this type alarm." [[back to text](#)]

[Corrected 6/12/07]

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09/20/2007 - Whether "discriminating [back-up] alarms" may be used to meet the require... Page 1 of 2



Standard Interpretations

09/20/2007 - Whether "discriminating [back-up] alarms" may be used to meet the requirements of 29 CFR 1926.602(a)(9)(ii).
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• **Standard Number:** [1926.602](#); [1926.602\(a\)](#); [1926.602\(a\)\(9\)](#); [1926.602\(a\)\(9\)\(ii\)](#)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

September 20, 2007

Chris Cloutier
Assistant Controller
Shaw Brothers Construction, Inc.
P.O. Box 69
511 Main Street
Gorham, Maine 04038

RE: Whether "discriminating [back-up] alarms" may be used to meet the requirements of 29 CFR 1926.602(a)(9)(ii).

Dear Mr. Cloutier:

This is in response to your January 16, 2007 letter you sent to Marthe B. Kent, a Regional Administrator with the Occupational Safety and Health Administration. You inquired about the use of "discriminating" back-up alarms on material handling equipment used in construction. We apologize for the delay in responding.

We have paraphrased your question as follows:

Question: Does the use of a "discriminating alarm" meet the requirements set forth in 29 CFR 1926.602(a)(9)(ii)? In this case, "discriminating alarm" refers to a system that uses infrared light, ultrasonic waves, radar, or similar means to detect objects or persons at the rear of the equipment, and sounds an audible alarm when a person or object is detected.

Answer: Section 1926.602(a)(9)(ii) states:

§1926.602 Material handling equipment.

(a) Earthmoving equipment; General.

(9) Audible alarms.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

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A discriminating alarm as described above would fulfill the requirements of 1926.602(a)(9)(ii) as long as the alarm was consistently effective in detecting any employee who is in the path of the equipment and alerting the employee of the backing-up of the equipment. As noted in our letter entitled "[Alternatives to common back-up alarms on construction motor vehicles: use of other effective technology or observers/signal persons](#)," dated September 27, 2004, alternatives to conventional back-up alarms may be used so long as they "provide adequate warning to workers in the path of the vehicle, and to workers walking towards the path of the vehicle in time to avoid contact." A discriminating alarm that detected such employees and gave warning to them in time to avoid contact with the vehicle would therefore meet the requirements of the standard.

If you need additional information, please contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Guidance, fax # 202-693-1689. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

Steven F. Wilt, Director
Directorate of Construction

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11/03/1998 - Requirements for back-up alarms on construction vehicles.

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Standard Interpretations

11/03/1998 - Requirements for back-up alarms on construction vehicles.
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- **Standard Number:** 1926.601(b)(4); 1926.602(a)(9)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

November 3, 1998

Ms. Sue Nunn
1005 Caribbean Avenue
Ft. Pierce, FL 34982

Re: §1926.52, 1926.601(b)(4), and 1926.602(a)(9)

Dear Ms. Nunn:

Thank you for your letter of June 18 regarding the Occupational Safety and Health Administration (OSHA) requirements for back-up alarms on construction vehicles. Your letter expressed concern that electronic high-pitched alarm sounds can irritate the nervous system, which you assert can affect construction workers physically and emotionally. You also note that the noise can affect others who are near construction sites, and you ask that the Agency ensure that there is a balance between the safety merits of back-up alarms with the detrimental effects from the sounds they make. You explain that over the past 15 years, mechanical bell alarms have been replaced by high-pitched electronic sound-producing devices and request that OSHA study the effects of the noise made by this type alarm.

In response, we discussed your letter with staff from OSHA's [Directorate of Standards and Guidance], but they indicated they had no data or evidence to indicate that exposure to such alarms caused the symptoms you describe.

Two OSHA requirements, 29 CFR 1926.601(b)(4) and 1926.602(a)(9), relate to back-up alarms in construction. Both provisions apply only to the motor vehicles and materials handling equipment used in construction operations. The Agency has explained that these requirements allow employers some flexibility in determining the best method to warn of the danger of a backing vehicle. Specifically, when a driver's view to the rear is obstructed, the vehicle must be either equipped with an alarm or an observer must signal the driver that it is safe to proceed. If an alarm is used, it must be loud enough to be distinguishable from other sounds. Furthermore, OSHA's experience has shown the value of back-up alarms in protecting workers and the general public from serious injury.

The National Institute for Occupational Safety and Health (NIOSH) conducts workplace safety and health research, and attempts to identify the causes of work-related diseases and injuries and potential hazards of new work technologies and practices. For your information, we have enclosed a copy of a recent NIOSH document published in the Federal Register that addresses the effects of noise on workers.

Sincerely,

Russell B. Swanson, Director

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07/23/1979 - "Audible above" is a signal alarm distinguishable from the surrounding nois... Page 1 of 1



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Standard Interpretations

07/23/1979 - "Audible above" is a signal alarm distinguishable from the surrounding noise level.

Standard Interpretations - Table of Contents

• **Standard Number:** 1926.601

July 23, 1979

Mr. George W. Tinkham
Assistant Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Dear Mr. Tinkham:

This is in response to your recent inquiry requesting additional information for specific Construction Safety and Health Regulations.

The intended meaning of the words "audible above" found in 29 CFR 1926.601(b)(4) (i) is to require a signal alarm distinguishable from the surrounding noise level. As indicated in your letter, 29 CFR 1926.602(a)(1) does apply to "off-highway trucks." Trucks, including dumpers, designed for off-highway operations at a construction site must comply with the 29 CFR 1926.602 requirements.

We hope this information will be helpful to you. If we may be of any further assistance, please feel free to write or call.

Sincerely,

Grover C. Wrenn Director,
Federal Compliance
and State Programs

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All Battery Sales and Service - Ecco: Smart Back-up Alarm - (part#: SA951)

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- Lighting Products
 - > Backup Alarm Products
 - > Dome Interior Lights
 - > Drop Lights & Reels
 - > Flashlights
 - > Headlamps
 - > LED Lights
 - > License Plates & Backup Lt.
 - > Miniature Bulbs
 - > Pedestal Lamp
 - > Spot & Work Lights
 - > Strobes & Light Bars
 - > Trailer & Marker Lights
 - > Turn Signal & Taillights
- Penetrating Oils & Grease
- Retail Packs & Assortment
- Solar Power Supplies
- Spill Kits Absorption Pds
- Switches, Relays & Flash
- Test Equipment
- Tire Repair
- Tools & Containers
- Towels Gloves Safety Gear
- Trailer Wiring & Pigtailes
- Wiper Blades & Sparkplugs
- Wire & Cable
- Wire & Cable Connectors
- Wire & Cable Terminals
- Wire Ties Grommets Clamps

ECCO: 500 Series Smart Back-up Alarm (77-97 Db.) - 12-48 Volts

Lighting Products / Backup Alarm Products



Item #: SA951

ECCO: Smart Alarm 500 Series - (Part#: SA951)

ECCO's range of Smart Alarms feature the world's first self-adjusting back-up alarms. The alarm featured here constantly measures ambient noise and adjusts their sound level, creating a volume that is safe without being annoying or contributing to noise pollution. Smart Alarms eliminate the need for constant manual adjustment and help prevent intentional alarm disconnection.

Voltage: 12-48

DB(a): 77-97

AMPS: 0.2

Specifically designed to meet the voltage requirements of the electric vehicle industry. The glass filled nylon housing provides rugged durability and the epoxy encapsulated circuit board protects it from vibration and moisture. The unique grill design meets the requirements of SAE J994 for high pressure wash. This alarm is self-grounding.

Features:

- Compact Size and universal mounting pattered location options.
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The Smart Alarms pattern of function is:

- Listens for 0.4 Seconds (to know where to set it's volume)
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- Shuts down for 0.1 seconds
- ~ Repeats Cycle ~

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1/27/2010

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“Leading the way to a cleaner tomorrow”

Date: July 31, 2006

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: First Semiannual Water-Quality Monitoring Report and Annual Summary 2006

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Rick King*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2006*

Type of Report (bold): Monthly Quarterly **Semi-Annual** Annual

Monitoring Period(s) (bold): **1st** **2nd** **3rd** **4th**

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

2.5 Leachate Disposal

A total of 347,700 gallons of leachate was disposed in Modules 6, 7, and 8 during the first quarter of 2006. A total of 147,842 gallons was disposed in these modules during the second quarter of 2006. Appendix A includes a summary of the disposed leachate volumes by date.

The leachate is sampled annually per Specification C.23 of revised WDR Order No. R3-2002-0065. The leachate sample will be collected during the fourth quarter and will be reported in the Second 2006 Semiannual Monitoring Report.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2006 first semiannual monitoring period (through June 2006), the total rainfall was 23.40 inches. The maximum rainfall intensity is represented by rainfall of 6.00 inches on January 2, 2006 and 2.25 inches on April 3, 2006. Rainfall records are included in Appendix A.

2.7 NPDES Monitoring

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Documented observations were completed in 2006 on 1/3, 2/17, 3/6, 4/3, 5/12, and 6/16 (among others), and are located in the Permanent Operating Record record in the landfill office for review. Findings included significant erosion of the Module-6 soil stockpile after the January 1st - 3rd storm events, some periodic turbid runoff during other events, and one minor leachate seep that was verbally reported to the RWQCB on April 7th, followed by a written report on April 12th. All issues identified during Standard Observations were corrected by landfill staff in a timely manner.

**Rain & Leachate Log
Cold Canyon Landfill
2006**

Rainfall Totals	
Date	Inches
1-Jan	2.00
2-Jan	6.00
3-Jan	0.75
18-Jan	0.40
17-Feb	0.10
27-Feb	0.75
28-Feb	0.40
3-Mar	0.50
6-Mar	0.75
7-Mar	0.40
10-Mar	0.25
13-Mar	1.00
17-Mar	0.55
25-Mar	0.60
28-Mar	1.25
29-Mar	0.50
31-Mar	0.25
3-Apr	2.25
4-Apr	1.10
17-Apr	1.00
26-Apr	0.50
27-Apr	0.50
22-May	1.60
Total	23.40

Rainfall Summary	
Month	Inches
Jan-06	9.15
Feb-06	1.25
Mar-06	6.05
Apr-06	5.35
May-06	1.60
Jun-06	0
Jul-06	
Aug-06	
Sep-06	
Oct-06	
Nov-06	
Dec-06	
Total	23.40

Leachate Totals	
Month	Gallons
Jan-06	196700
Feb-06	125000
Mar-06	26000
Apr-06	51300
May-06	62850
Jun-06	33692
Jul-06	
Aug-06	
Sep-06	
Oct-06	
Nov-06	
Dec-06	
Total	495542

**SECOND SEMIANNUAL
WATER-QUALITY MONITORING REPORT
AND ANNUAL SUMMARY 2006
Cold Canyon Sanitary Landfill**

San Luis Obispo, California

Prepared for
Cold Canyon Land Fill, Inc.,
A Waste Connections Inc. Company
January 2007

Prepared by
**RMC Geoscience, Inc.
802 Grant Avenue
Novato, CA 94945**

Project CCL06-1

Appendix A. The procedures for this test were further described in the *Second Semiannual Water-Quality Monitoring Report and Annual Summary 2003*.

2.5 Leachate Disposal

The leachate is sampled annually and recirculated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The leachate was sampled on November 30, 2006 and the analytical results are located in Appendix A. There were a total of 138,500 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during the third and fourth quarters of 2006. Appendix A (Table 3) shows a summary of the disposed leachate.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2006 second semiannual monitoring period, the total rainfall was 2.5 inches, with the first measurable rainfall occurring in October. Rainfall records for 2006 are included in Appendix A.

2.7 NPDES Monitoring

The National Pollution Discharge Elimination System (NPDES) permit required that storm water samples be collected during the wet season. Storm water is sampled at three locations at the landfill and two locations at the composting facility. The discharge points for the landfill and their corresponding second semiannual sampling dates are described below:

- (1) the outfall of the sedimentation basin located near the main entrance (DB-1);
- (2) the highway drain located near the landfill gas flare pad (HD-1); and
- (3) the storm water detention basin highway drain located near the Leachate Collection Facility (HD-2).

The discharge points at the composting facility are

- (1) the outfall of the reservoir pond (RES-1); and
- (2) the outfall of the sediment basin (COMP-1).

Standard observations as defined in WDR-MRP Part V.I. were completed throughout the year as part of the NPDES storm water general permit and site SWPPP. Observations were completed at least monthly during the wet season (October through

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Date: July 26, 2007

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: First Semiannual Water-Quality Monitoring Report and Annual Summary 2007

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Rick King*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2007*

Type of Report (bold): Monthly Quarterly **Semi-Annual** Annual

Monitoring Period(s) (bold): 1st 2nd 3rd 4th

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

inspected weekly to ensure the system operates as designed. All drainage systems were found to perform as designed during the first semiannual reporting period of 2007. The annual leachate collection system test will be performed in August and described in the Second 2007 Semiannual Monitoring Report.

2.5 Leachate Disposal

A total of 267,690 gallons of leachate was disposed in Modules 6, 7, and 8 during the first half of 2007. Appendix A includes a summary of the disposed leachate volumes by date. The leachate is sampled annually per Specification C.23 of revised WDR Order No. R3-2002-0065. The leachate sample will be collected during the fourth quarter and will be reported in the Second 2007 Semiannual Monitoring Report.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2007 first semiannual monitoring period (through June 2007), the total rainfall was 3.7 inches. The maximum rainfall intensity is represented by rainfall of 1.25 inches on January 29, 2007. Rainfall records are included in Appendix A.

2.7 NPDES Monitoring

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Documented observations were completed in Jan, Feb, Mar, April and June 2007 as required. Records are stored in the landfill operating file and available for review. No significant problems were noted during the observations.

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Date: February 1, 2008

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Second Semiannual Water-Quality Monitoring Report and Annual Summary 2007

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Don Rizzoli*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2007*

Type of Report (bold): Monthly Quarterly **Semi-Annual** **Annual**

Monitoring Period(s) (bold): 1st 2nd **3rd** **4th**

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

2.5 Leachate Disposal

The leachate is sampled annually and recirculated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The leachate was sampled on November 30, 2007 and the analytical results are located in Appendix A. There was a total of 80,500 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during the third and fourth quarters of 2007. Appendix A shows a summary of the disposed leachate.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2007 second semiannual monitoring period, the total rainfall was 4.31 inches, with the first measurable rainfall occurring in August. Rainfall records for 2007 are included in Appendix A.

2.7 NPDES Monitoring

The National Pollution Discharge Elimination System (NPDES) permit requires that storm water samples be collected during the wet season. Storm water is sampled at three locations at the landfill and two locations at the composting facility. The discharge points for the landfill and their corresponding second semiannual sampling dates are described below:

- (1) the outfall of the sedimentation basin located near the main entrance (DB-1);
- (2) the highway drain located near the landfill gas flare pad (HD-1); and
- (3) the storm water detention basin highway drain located near the Leachate Collection Facility (HD-2).

The discharge points at the composting facility are

- (1) the outfall of the reservoir pond (RES-1); and
- (2) the outfall of the sediment basin (COMP-1).

Standard observations as defined in WDR-MRP Part V.I. were completed throughout the year as part of the NPDES storm water general permit and site SWPPP. Observations were completed at least monthly during the wet season (October through April) and at least quarterly between May and September. Observation records are kept on site and submitted to the RWQCB with the annual storm water report by July 1 of each year.

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Date: July 31, 2008

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: First Semiannual Water-Quality Monitoring Report and Annual Summary 2008

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Don Rizzoli*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2008*

Type of Report (bold): Monthly Quarterly **Semi-Annual** Annual

Monitoring Period(s) (bold): 1st 2nd 3rd 4th

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

2.5 Leachate Disposal

A total of 133,200 gallons of leachate was disposed in Modules 6, 7, and 8 during the first half of 2008. Appendix A includes a summary of the disposed leachate volumes by date. The leachate is sampled annually per Specification C.23 of revised WDR Order No. R3-2002-0065. The leachate sample will be collected during the fourth quarter and will be reported in the Second 2008 Semiannual Monitoring Report.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2008 first semiannual monitoring period (through June 2008), the total rainfall was 10.3 inches. The maximum rainfall intensity is represented by rainfall of 1.78 inches on February 3, 2008. Rainfall records are included in Appendix A.

2.7 NPDES Monitoring

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Documented observations were completed in Jan, Feb, Mar, April and June 2008 as required. Records are stored in the landfill operating file and available for review. No significant problems were noted during the observations.

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Date: February 1, 2009

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Second Semiannual Water-Quality Monitoring Report and Annual Summary 2008

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Bruce Rizzoli*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2008*

Type of Report (bold): Monthly Quarterly **Semi-Annual** **Annual**

Monitoring Period(s) (bold): 1st 2nd **3rd** **4th**

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

2.5 Leachate Disposal

The leachate is sampled annually and recirculated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The leachate was sampled on November 30, 2008 and the analytical results are summarized in Tables A-1 and A-2 in Appendix A. Complete analytical results are included with the laboratory reports in Appendix C. There was a total of 90,900 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during the third and fourth quarters of 2008. Appendix A shows a summary of the disposed leachate.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2008 second semiannual monitoring period, the total rainfall was 3.66 inches, with the first measurable rainfall occurring in August. Rainfall records for 2008 are included in Appendix A.

2.7 NPDES Monitoring

The National Pollution Discharge Elimination System (NPDES) permit requires that storm water samples be collected during the wet season. Storm water is sampled at three locations at the landfill and two locations at the composting facility. The discharge points for the landfill and their corresponding second semiannual sampling dates are described below:

- (1) the outfall of the sedimentation basin located near the main entrance (DB-1);
- (2) the highway drain located near the landfill gas flare pad (HD-1); and
- (3) the storm water detention basin highway drain located near the Leachate Collection Facility (HD-2).

The discharge points at the composting facility are

- (1) the outfall of the reservoir pond (RES-1); and
- (2) the outfall of the sediment basin (COMP-1).

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Documented observations were completed in 2008 on 2/27, 3/16, 4/14, 5/18, 8/15, 10/30, 11/3, and 12/16, and are included in the Permanent Operating Record that is maintained in the landfill office. Findings include minor erosion of a tracked area of Module-5 after the December 16th storm event and some periodic turbid

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Date: September 1, 2009

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: First 2009 Semiannual Water-Quality Monitoring

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Bruce Rizzoli*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2009*

Type of Report (bold): Monthly Quarterly **Semi-Annual** **Annual**

Monitoring Period(s) (bold): 1st 2nd 3rd 4th

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

2.5 Leachate Disposal

A total of 88,200 gallons of leachate were disposed in Modules 6, 7, and 8 during the first half of 2009. Appendix A includes a summary of the disposed leachate volumes by date. The leachate is sampled annually per Specification C.23 of revised WDR Order No. R3-2002-0065. The leachate sample will be collected during the fourth quarter and will be reported in the Second 2009 Semiannual Monitoring Report.

2.6 Rainfall Data

Daily precipitation is measured and recorded at the landfill site. During the 2009 first semiannual monitoring period (through June 2009), the total rainfall was 6.7 inches. The maximum rainfall intensity is represented by rainfall of 1.1 inches on February 6, 2009. Rainfall records are included in Appendix A.

2.7 NPDES Monitoring

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Documented observations were completed in Jan, Feb, Mar, April and June 2009 as required. Records are stored in the landfill operating file and are available for review. No significant problems were noted during the observations.

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“Leading the way to a cleaner tomorrow”

Date: January 31, 2010

Attn: *Martin Fletcher*
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Second 2009 Semiannual and Annual Water-Quality Monitoring

Dear Mr. Fletcher:

Facility Name:

Cold Canyon Landfill

Address:

Physical Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Mailing Address:
*2268 Carpenter Canyon Road
San Luis Obispo, CA 93401*

Contact Person: *Lacey Ballard*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2009*

Type of Report (bold): Monthly Quarterly **Semi-Annual** **Annual**

Monitoring Period(s) (bold): 1st 2nd **3rd** **4th**

Mailing Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
Site Address: 2268 Carpenter Canyon Road • San Luis Obispo, California 93401
805-549-8332 Landfill • 805-549-8363 Office

SECOND 2009 SEMIANNUAL WATER QUALITY MONITORING REPORT

**Cold Canyon Sanitary Landfill
San Luis Obispo County, California**

2.4 LEACHATE AND DRAINAGE SYSTEM INSPECTIONS

The landfill site is inspected after every significant storm to evaluate the drainage system; as well as to identify any leachate seeps. In addition, the Leachate Collection Facility is inspected weekly to ensure the system operates as designed. All drainage systems were found to perform as designed during the second semiannual reporting period of 2009.

2.5 LEACHATE DISPOSAL

The leachate is sampled annually and recirculated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The leachate was sampled on December 6, 2009 and the analytical results are included in with the laboratory reports in Appendix B. A total of 154,090 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during in 2009.

2.6 NPDES MONITORING

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Records are stored in the landfill operating file and are available for review. No significant problems were noted during the observations.

FIRST SEMI-ANNUAL WATER QUALITY MONITORING REPORT

**Cold Canyon Sanitary Landfill
San Luis Obispo County, California**

2.4 LEACHATE AND DRAINAGE SYSTEM INSPECTIONS

The landfill site is inspected after every significant storm to evaluate the drainage system; as well as to identify any leachate seeps. In addition, the Leachate Collection Facility is inspected weekly to ensure the system operates as designed. All drainage systems were found to perform as designed during the first semi-annual reporting period of 2010.

2.5 LEACHATE DISPOSAL

The leachate is sampled annually and re-circulated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The next leachate sample will be collected during the fourth quarter 2010 monitoring event. A total of 97,200 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during the first half of 2010.

2.6 NPDES MONITORING

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Records are stored in the landfill operating file and are available for review. No significant problems were noted during the first half of 2010.

SECOND 2010 SEMIANNUAL WATER QUALITY MONITORING REPORT

**Cold Canyon Sanitary Landfill
San Luis Obispo County, California**

2.4 LEACHATE AND DRAINAGE SYSTEM INSPECTIONS

The landfill site is inspected after every significant storm to evaluate the drainage system; as well as to identify any leachate seeps. In addition, the Leachate Collection Facility is inspected weekly to ensure the system operates as designed. All drainage systems were found to perform as designed during the second semiannual reporting period of 2010.

2.5 LEACHATE DISPOSAL

The leachate is sampled annually and recirculated in the lined areas of the landfill, per Specification C.23 of the CCL's revised WDR R3-2002-0065. The leachate was sampled on November 24, 2010 and the analytical results are included in with the laboratory reports in Appendix B. A total of 161,100 gallons of leachate disposed in lined areas (Modules 6, 7, and 8) of the landfill during in 2010.

2.6 NPDES MONITORING

Standard Observations were completed by landfill staff in accordance with WDR/MRP R3-2002-0065 I.A. Records are stored in the landfill operating file and are available for review. No significant problems were noted during the observations.



**California Regional Water Quality Control Board
Central Coast Region**



Linda S. Adams
Acting Secretary for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

June 27, 2011

CERTIFIED MAIL 7008 1140 0003 4708 9329

Mr. Lacy Ballard
District Landfill Manager
Cold Canyon Landfill
2268 Carpenter Canyon Road
San Luis Obispo, CA 93401

Dear Mr. Ballard:

**LAND DISPOSAL PROGRAM: COLD CANYON LANDFILL, SAN LUIS OBISPO COUNTY
(GEOTRACKER ID# L10009479187) - NOTICE OF VIOLATION**

Central Coast Regional Water Quality Control Board (Central Coast Water Board) and the Department of Resources Recycling and Recovery (CalRecycle) staff conducted a joint inspection of the Cold Canyon Landfill (Landfill) on March 29, 2011. You accompanied Martin Fletcher from the Central Coast Water Board and Randy Friedlander from CalRecycle during the inspection. This Notice of Violation summarizes the inspection and identifies the observed violations.

EXISTING PERMITS

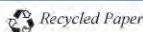
The Central Coast Water Board regulates the Landfill through: 1) Waste Discharge Requirements Order No. R3-2002-0065, which includes prohibitions, specifications, and provisions addressing waste disposal design and operations to protect water quality; and 2) State Water Resources Control Board (State Water Board) Water Quality Control Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities* (Industrial Stormwater General Permit). The Industrial Stormwater General Permit prohibits the discharge of unauthorized non-stormwater to waters of the United States, and requires a Stormwater Pollution Prevention Plan and best management practices (BMPs) to prevent and reduce pollutants that cause or contribute to exceedances of applicable water quality standards.

MARCH 29, 2011 INSPECTION SUMMARY

Central Coast Water Board staff inspected the Landfill on March 29, 2011, to assess wet weather operations and recent corrective actions¹. The Landfill had received almost two inches of rain since the last inspection on March 21, 2011, but no significant rain in the three days preceding the inspection on March 29, 2011. Central Coast Water Board staff observed conditions similar to those documented during previous inspections: saturated slopes and benches, drainageways over waste without liners, and evidence of seeps along landfill slopes. Specifically, Central Coast Water Board staff observed numerous inactive seeps (ponded/stained) along landfill benches and stormwater drainages, and several small active leachate seeps at the toe of landfill slopes northeast and east of the scalehouse that were

¹ Inspection Report (Attachment 1) including numbered photos and a Landfill Violation and Photo Map, is also available on Geotracker at:
https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10009479187

California Environmental Protection Agency



Mr. Lacy Ballard

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June 27, 2011

discharging to stormwater drainages. Landfill staff indicated one of the active seeps had been repaired on March 24, 2011. Although these active seeps were low flow, Central Coast Water Board staff observed no containment measures in place to prevent discharge to stormwater drainages and/or the main sediment retention pond, which was tea brown in color and discharging offsite. Central Coast Water Board staff also observed ponding in several areas on the first bench below the topdeck of the inactive landfill.

Since the last inspection on March 21, 2011, Central Coast Water Board staff observed that Landfill staff had implemented corrective actions around the active face disposal area including a small berm and localized grading to prevent potential discharges to stormwater drainages.

On March 29, 2011, Central Coast Water Board staff reiterated to Landfill staff that leachate seeps must be contained and corrected promptly (WDR Specification C.12), and new seeps need to be monitored pursuant to the requirements included in the February 21, 2011 Notice of Violation².

VIOLATIONS OBSERVED DURING INSPECTION ON MARCH 29, 2011

On March 29, 2011, Central Coast Water Board staff observed the following violations:

Violation No. 1: Lack of Drainageway and Downdrain Liners Over Waste

- Central Coast Water Board staff observed a lack of drainage ditch and downdrain liners over waste as shown in Photos 13, 14, 15, 24, and 25, and at the locations shown in the Landfill Violation and Photo Map of the March 29, 2011 Inspection Report (Inspection Report, Attachment 1). Based on discussions with Landfill staff during our meeting on January 12, 2011, it is Central Coast Water Board staff's understanding that the unlined drainageways and downdrains have been unlined since the benches were constructed. Cold Canyon's construction of the benches varies from months to several years ago depending on landfill development.
- Specification C.11 of Order No. R3-2002-0065 requires drainage ditch liners over landfill areas to prevent erosion and percolation into waste.

Violation No. 2: Leachate Seep Discharges

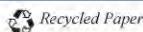
- Central Coast Water Board staff observed several small leachate seeps from landfill slopes northeast and east of the scalehouse (dark brown to black, with and without sheens), which were discharging to stormwater drainages as shown in Photos 5, 6, 7, and 10, and at the locations shown on the Landfill Violation and Photo Map in the Inspection Report. The affected stormwater drainages were discharging to the main sediment retention pond, which discharged offsite via an unnamed drainage over neighboring agricultural lands to a storage pond, and then potentially to Cañada Verde Creek, which is a tributary to Pismo Creek.
- Prohibition B.5 of Order No. R3-2002-0065 prohibits the discharge of solid or liquid waste or leachate to surface waters, ponded water, or groundwater.

Violation No. 3: Impacted Stormwater Discharge

- As noted in Violation No. 2, Central Coast Water Board staff observed several landfill slope leachate seeps discharging to stormwater drainages and the main sediment

² See *Water Board Requirements for Supplemental Monitoring* included in the February 21, 2011 Notice of Violation, which is available on Geotracker at: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10009479187

California Environmental Protection Agency



Mr. Lacy Ballard

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June 27, 2011

retention pond. The main sediment retention pond was tea brown in color and discharging offsite as shown in Photos 1, 2, and 3 and at the locations shown on the Landfill Violation and Photo Map of the Inspection Report. The main sediment retention pond discharge had a light brown tint and contained leachate seep runoff, thereby contributing pollution to stormwater conveyed offsite via an unnamed drainage over neighboring agricultural land, and potentially to surface waters including Cañada Verde Creek and Pismo Creek (Offsite Conveyance Map, Attachment 2).

- Specification C.3 of Order No. R3-2002-0065 specifies that a discharge may not cause or contribute to any surface water contamination, pollution, or nuisance, including, but not limited to: an adverse change in apparent color beyond natural background levels; or the introduction or increase of toxic or other pollutants/contaminants resulting in impairment of beneficial uses of waters of the State.
- Prohibition A.1 and Special Condition D.1 of the Industrial Stormwater General Permit prohibit the discharge of unauthorized non-stormwater such as landfill leachate to waters of the United States (e.g., Cañada Verde Creek and/or Pismo Creek).
- Prohibition A.2 of the Industrial Stormwater General Permit prohibits the discharge of stormwater which causes, or threatens to cause pollution, contamination, or nuisance.

Violation No. 4: Leachate Seep Notification and Prompt Correction

- Although Landfill staff appropriately notified Central Coast Water Board staff regarding the seep north of the scale house (Photo 5 in the Inspection Report) on March 24, 2011, Central Coast Water Board staff were unaware that repairs on this seep had failed and other seeps (noted in Violation No. 2) were actively discharging. Central Coast Water Board staff observed impacts to the main sediment retention pond (noted in Violation No. 3), which likely developed over several days due to the low flow nature of the seeps; therefore, Landfill staff failed to promptly notify and correct or contain leachate seeps.
- Specification C.12 of Order No. R3-2002-0065 requires notification and prompt correction of any leachate seep or any failure threatening containment features of the landfill.

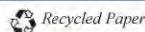
Violation No. 5: Ponding Over Waste

- Central Coast Water Board staff observed ponding due to settlement in several locations on the bench below the inactive landfill top deck as shown in Photos 24, 25, and 26, and at the locations shown on the Landfill Violation and Photo Map of the Inspection Report.
- Specification C.16 of Order No. R3-2002-0065 requires all landfill surfaces and working faces to be graded and operated to minimize infiltration into waste, to prevent ponding of water and to resist erosion.

Pursuant to California Water Code section 13350(a)(2) and (e), the above alleged violations of WDR Order No. R3-2002-0065 may subject the Landfill to a maximum civil liability of \$5,000 for each day of each violation. Pursuant to California Water Code section 13385(a) and (c), the above alleged violations of Order No. 97-03-DWQ (Industrial Stormwater General Permit) subject the Landfill to a maximum civil liability of \$10,000 for each day of each violation, plus up to \$10 for each gallon discharged over 1,000 gallons and not cleaned up.

Pursuant to California Water Code section 13301, the Central Coast Water Board may order Cold Canyon Landfill/Waste Connections, Inc. to cease and desist all non-compliance with WDR Order No. R3-2002-0065. Failure to comply with such an order would further subject you to administrative civil liability similar to that described above, a time schedule order with

California Environmental Protection Agency



Mr. Lacy Ballard

- 4 -

June 27, 2011

prescribed monetary penalties, or referral to the Attorney General for injunctive relief or monetary penalties. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

WATER BOARD STAFF COMMENTS

The February 21, 2011 Notice of Violation, required Landfill staff to inspect drainages daily during, and for three days following, wet weather to facilitate prompt discovery, containment, and corrective actions for landfill seeps. Therefore, while Central Coast Water Board staff recognize the difficulty of containing seeps during wet weather, we are unaware of any legitimate reason for Landfill staff failing to implement containment measures immediately following wet weather to prevent more concentrated impacts to the main sediment retention pond and resulting offsite discharge.

Landfill staff must contain leachate seeps promptly, correct the lack of liners for drainageways and downdrains over waste, and prevent ponding on landfill areas. If wet weather conditions prevent permanent improvements, Landfill staff must implement interim measures. Central Coast Water Board staff received your Technical Memo 2011-1 submitted in response to the February 21, 2011 Notice of Violation, which addresses interim and proposed corrective actions to achieve compliance, and we intend to review and respond to that memo under separate cover. Please note, the supplemental monitoring required by the February 21, 2011 Notice of Violation is still applicable until rescinded by Central Coast Water Board staff.

If you have any questions regarding this Notice of Violation, please contact **Martin Fletcher** by phone at (805) 549-3694 or email at mfletcher@waterboards.ca.gov or Thea Tryon at (805) 542-4776.

Sincerely,



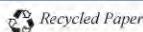
for Michael Thomas
Assistant Executive Officer

Attachments:

1. Inspection Report (March 29, 2011)
2. Cold Canyon Landfill Offsite Conveyance Map

cc list: next page

California Environmental Protection Agency



Mr. Lacy Ballard

- 5 -

June 27, 2011

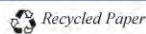
cc: (electronic, additional documents are also available on geotracker at the following address:
https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=L10009479187)

Mr. Lacy Ballard (Waste Connections, Inc.)
Mr. Thomas C. Reilly (Waste Connections, Inc.)
Mr. Mark Adams (Waste Connections, Inc.)
Mr. Branden Willis (Waste Connections, Inc.)
Mr. Randy Friedlander (Department of Resources, Recycling and Recovery)
Mr. John McKenzie (San Luis Obispo County Department of Planning and Building)
Ms. Stephanie Wald (Central Coast Salmon Enhancement)
Mr. Bruce Falkenhagen (Spokesperson for Neighbors, Edna Group)
Mr. Gordon R. Hensley (San Luis Obispo Coastkeeper)
Mr. Jon Hoffman
Ms. Sue Barone
Mr. Martin Fletcher (Water Board)
Mr. Cris Carrigan (State Water Board)
Ms. Mary Whittlesey (County of San Luis Obispo)

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CIWQS Regulatory Measure ID 379238
CIWQS Place ID 215079
CIWQS Party ID 50253
Geotracker ID L10009479187

California Environmental Protection Agency



CIWGS BB
 DATABASE ENTRY / DATE: 4-11-11
 SENIOR REVIEW & INITIALS: [Signature]
 PAPERLESS OFFICE PLACE NO.: 215079



CENTRAL COAST WATER BOARD ACTIVE LANDFILL INSPECTION

FACILITY: Cold Canyon Landfill **WDID#:** 3400310001

ADDRESS: 2269 Carpenter Canyon **DATE:** 3/29/2011

CONTACT NAME: Lacy Ballard **EMAIL:** Lacy.B@wasteconnections.com

FACILITY PHONE #: (805) 549-3436 **INSPECTOR:** Martin Fletcher (Joint Inspection with CalRecycle)

ATTENDEES: Lacy Ballard, B Randy Friedlander (CalRecycle)

I= INSPECTED V= VIOLATION A=AREA OF CONCERN N/A= NOT APPLICABLE

	I	V	A	N	A
CLASS III LANDFILLS					X
20200 - NO FREE LIQUIDS					
20250 - FLOOD PREVENTION					
20250 - TIDAL WAVE PREPAREDNESS					Y
CLASS III LANDFILLS					
20200 - NO LIQUID OR SEMISOLID WASTE	X				
20220 - DEWATERED SLUDGE					X
20220 - ASH					X
20250 - SEPARATION BETWEEN WASTE AND STATE WATER	X				
20260 - FLOOD PREVENTION	X				
CONSTRUCTION QUALITY ASSURANCE					X
20323 - CQA REQUIREMENTS					
20323 - OFFICER PRESENT					
20323 - SPECIFICATIONS					
20323 - FIELD LOGS					
20323 - LINER					
20323 - LCRS					Y
LEACHATE COLLECTION AND REMOVAL SYSTEM					
20340 - LEACHATE HEIGHT					X
20340 - DISPOSAL OF LEACHATE	X				
20340 - MONITORING	X				
20340 - CONTAINMENT <i>trash 1/2 full</i>	X				X
20340 - PUMPS AND LINES	X				
PRECIPITATION AND DRAINAGE CONTROL					
20365 - COLLECTED PRECIPITATION LEACHATE <i>(D) (S) (5)</i>	X				
20365 - PERFORMANCE / MAINTENANCE <i>(D) (S) (5)</i>	X				
20365 - CAPACITY <i>(D) (S) (5)</i>	X				
20365 - RUN ON DIVERSION	X				
20365 - RESISTANT TO EROSION	X				
20365 - STORM DESIGN <i>(D) (S) (5)</i>	X				X

	I	V	A	N	A
REQUIREMENTS FOR SURFACE IMPROVEMENTS					X
20375 - FREEBOARD					
20375 - OPERATION PLAN					
20375 - FAIL - SAFE					
20375 - SCOUR PROTECTION					
20375 - WEEKLY LINER INSPECTION					Y
GROUNDWATER					
UNSATURATED ZONE MONITORING					
20415 - MONITORING WELL PERFORMANCE / CONDITION					X
SURFACE WATER					
UNSATURATED ZONE MONITORING					
20415 - MONITORING WELLS LOCATION / POSITION	X				
STANDARDS FOR DAILY AND INTERMEDIATE COVER					
20705 - MINIMIZE PERCOLATION					X
20705 - COVER MATERIALS	X				
20705 - DUST CONTROL	X				
WASTE DISCHARGE REQUIREMENTS					
PROHIBITED ACTIONS					
DISCHARGE OF WASTE OUTSIDE PERMITTED BOUNDARY	X				
DISCHARGE TO AREAS THAT HAVE NOT RECEIVED WASTE BEFORE	X				
PRESENCE OF PROHIBITED WASTES	X				
DISCHARGE OF SOLID/LIQUID LEACHATE TO STATE WATERS <i>(D) (S) (5)</i>	X				
DISCHARGE W/IN 50 FEET OF THE PROPERTY LINE	X				
DISCHARGE W/IN 100 FT OF SURFACE WATER OR DOMESTIC WELL	X				
LEACHATE SEEPS <i>(D) (S) (5)</i>	X				
NUISANCE ODORS					
FLOATING, SUSPENDED, OR DEPOSITED MACROSCOPIC PM <i>(D) (S) (5)</i>	X				X
FOAM <i>Non observed low flow</i>	X				
INCREASES IN BOTTOM LEVELS OR AQUATIC GROWTH <i>(D) (S) (5)</i>	X				X
ADVERSE CHANGE IN WATER APPEARANCE <i>(D) (S) (5)</i>	X				X

	I	V	A	N	A
PROHIBITED ACTIONS (CONT)					
PETROLEUM DISCHARGES		X			
INCREASED POLLUTANTS CAUSING IMPAIRMENT			X		
GENERAL SPECIFICATIONS					
TREATED WOOD MANAGEMENT		X			
INTAKE LOAD CHECKING		X			
COLLECTION OF WIND BLOWN LITTER		X			
CORRECT WATER USE		X			
DRAINAGE DITCH LINERS <i>(S)</i>			X		
INERT WASTE OUTSIDE COMPOSITE LINER ONLY					X
CORRECTIVE ACTIONS <i>Emergency scarp containment</i>			X		
SPECIAL WASTES					X
ASBESTOS		X			
WET WEATHER					
VEGETATION PLANTED AND MAINTAINED <i>Noner steps</i>		X			X
CORRECT GRADING OF LANDFILL SURFACES AND WORKING FACES <i>(S)</i>			X		
RILLS <i>Minor rills observed</i>		X			
DRAINAGE FACILITIES			X		
STORAGE FACILITIES			X		
PREPARED WET WEATHER DECK		X			
EROSION CONTROL <i>(S)</i>					X
ACTIVE FACE		X			
OTHER					
STORMWATER CHECKLIST					X
COMPOST OPERATIONS <i>suspended</i>		X			
ATTACHED PHOTOS / MAP					
ENFORCEMENT					
<i>Verbal - confirm seeps</i>					
<i>Notice of Violation</i>					

COMMENTS/FOLLOW UP ACTIONS: LF received 1.5-2 inches of rain since last inspection (3/21) but no significant rain in last 3 days. 1) Several low flow leachate seeps observed discharging to stormwater drainages and to the main sediment retention pond. 2) Numerous small punctured and/or dry-stained seeps observed along active LF drainages. 3) Several tea cube ponded areas (due to settlement) on the inactive LF bench below the top deck. 4) Main sediment retention pond is tea brown and is discharging (bottom approx 1-3 ppm). Discharge is 1.1 liter tea brown with minimal suspended sediment. 5) Active/Inactive LF bench drainage and liner liners except for closed area and one active LF bench and associated down drain collectors. Observed sampling main sediment retention pond discharge pursuant to Feb Nov. Also that seep containment corrective actions should have been implemented. LF drainages need to be regularly inspected pursuant to the Feb Nov. See attached photos/map for additional info.

INSPECTOR SIGNATURE: [Signature]

DATE: 3/29/2011

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011

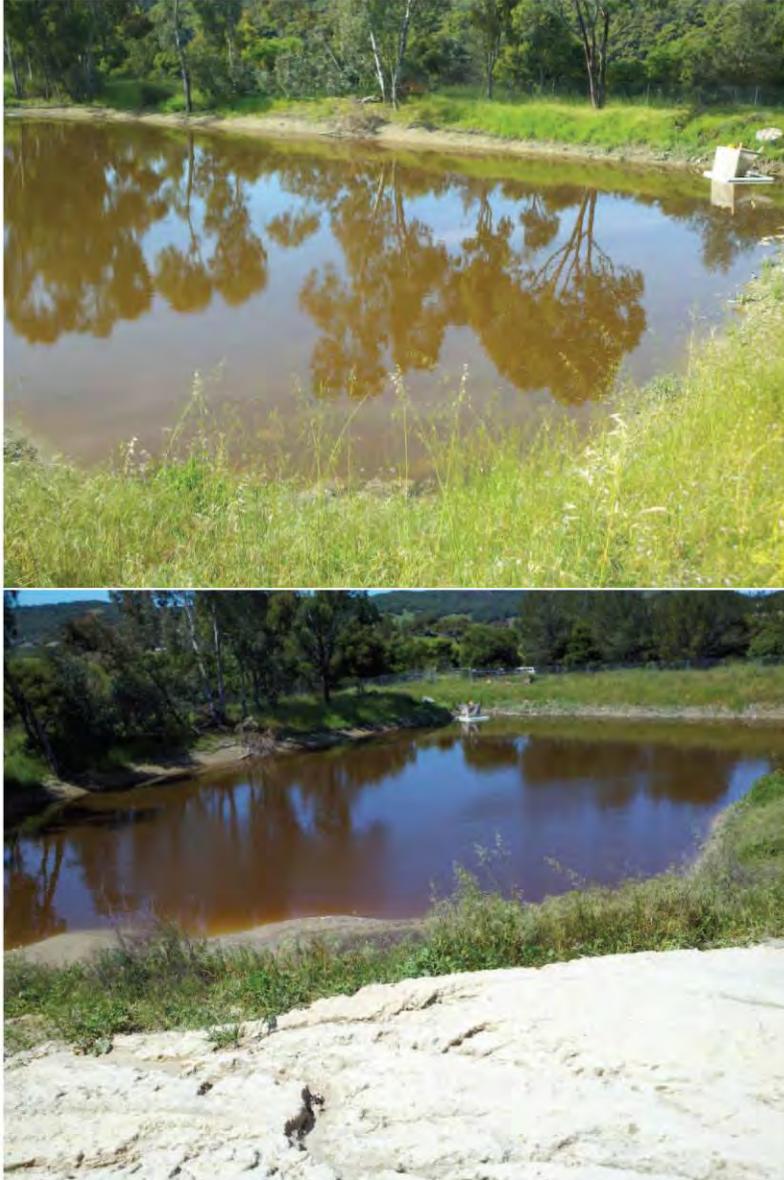


Photo 1 (top) & 2 (bottom) – Main Sediment Retention Pond: Pond has a tea brown color and is discharging (1-3 GPM). Discussed sampling the ponds discharge per the February NOV and that seeps observed onsite were low flow and appeared manageable. Since it had been several days since rain, containment measures should have been implemented to reduce impacts to the sediment retention pond and offsite discharge. **Violation:** WDR Specification C.12 requires the discharger to correct leachate seeps, which threaten the containment of the landfill, promptly. Directed landfill staff to implement seep containment measures. (Also see photos 5, 6, 7, and 10.)

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 3 – Main Sediment Retention Pond Discharge: Discharge from the main sediment retention pond had a light brown tint with very minimal suspended sediment.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 4 – Public Drop Off & Diversion Area: Excessive litter observed away from the waste processing area but still contained by wind fencing. Instructed Landfill staff to more regularly clean the area.



Photo 5 – Module 6 Slope (NE of Scale, Dry Weather Road Below Active Area Top Deck): This leachate seep first observed by landfill staff on March 24th and was contained with a french drain and fresh cover soils, however during this inspection the seep was observed flowing into the stormwater drainage and into the main sediment retention pond. **Violation:** WDR Specification C.12 requires the discharger to correct leachate seeps, which threaten the containment of the landfill, promptly. Directed landfill staff to contain seeps as much as possible and periodically pump into the LCRS or leachate tank. (Also see photos 1, 2, 6, 7, and 10.)

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 6, 7, 8 – Dry Weather Road Below Active Area Top Deck (Module 6, Near Scalehouse): Observed seeps along the road, while some were not discharging (photo 8, ponded and/or stained), a few seeps near the bottom (photo 6 & 7) were discharging to the stormwater drainageway and into the main sediment retention pond. Commented to landfill staff that several seeps appeared to result from the drainages having eroded and cut into the slope. **Violation:** WDR Specification C.12 requires the discharger to correct leachate seeps, which threaten the containment of the landfill, promptly. Directed landfill staff to contain seeps as much as possible and periodically pump into the LCRS or leachate tank. (Also see photos 1, 2, 5, and 10.)

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 9 & 10 – Drainage Along Main Paved Access Road (SE of Scale): Observed leachate seeps discharging to the stormwater drainage and into the main sediment retention pond. **Violation:** WDR Specification C.12 requires the discharger to correct leachate seeps, which threaten the containment of the landfill, promptly. Directed landfill staff to contain seeps as much as possible and periodically pump into the LCRS or leachate tank. (Also see photos 1, 2, 5, 6, and 7.)

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 11 & 12 – V-Ditch and Drainage from Below Wet Weather Disposal Area: V-ditch below the wet weather disposal area was not flowing but was damp. Minor seepage observed along the v-ditch.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 13, 14, & 15 – Landfill Bench Above the Interior Holding Pond: Most benches continue to be unlined and have eroded drainageways. Pondered seeps observed along bench. Commented to landfill staff that several seeps appeared to result from the drainages having eroded and cut into the slope. **Violation:** WDR Specification C.11 requires that drainageways over waste be lined.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 16 – First Bench Above the Scalehouse: GCL matting implemented on the bench below this slope as an interim liner for drainage. Despite slope erosion controls, efforts sediment has built up on the GCL. Landfill staff intend to modify their implementation of the GCL and will continue to evaluate and improve their erosion control efforts.



Photo 17 – Down drain along Dry Weather Road Below Active Area Top Deck: GCL installed around the two main over waste down drains to reduce erosion and infiltration. Sediment and erosion from the slopes is significant and will have to be accounted for in future drainageway design and maintenance expectations.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011

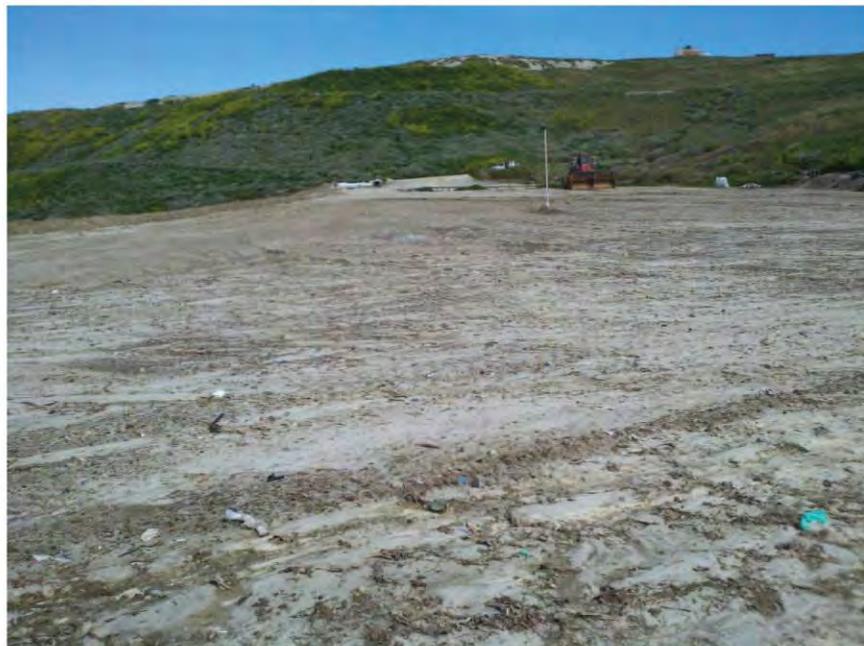


Photo 18 & 19 – Dry Weather Active Area Top Deck: Top deck is well graded and free of wind blown trash. Minor rilling observed on newer slopes but no trash is exposed. In general intermediate cover soils appear to erode easily and fines are observed at the bottoms of the non-vegetated slopes.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 20 – Wet Weather Disposal Area: Disposal area has a berm and grading to prevent runoff.



Photo 21 – Slope Below Wet Weather Disposal Area: Although tackified straw was applied to the slope for erosion control minor rills still observed.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 22 & 23– Inactive Landfill Top Deck: No runoff issues, ponding, or settlement observed. The inactive landfill top deck is well graded and is used for some processing and storage.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011



Photo 24, 25, & 26–Bench Below the Inactive Landfill Top Deck: Settlement and ponding observed in several locations on the bench below the inactive landfill top deck. The inactive landfill bench drainageways are only lined in the final cover area. **Violation:** WDR Specification C.16 requires all landfill surfaces and working faces to prevent ponding over waste. **Violation:** WDR Specification C.11 requires that drainageways over waste be lined.

Inspection Report Photos: Cold Canyon Landfill, March 29, 2011

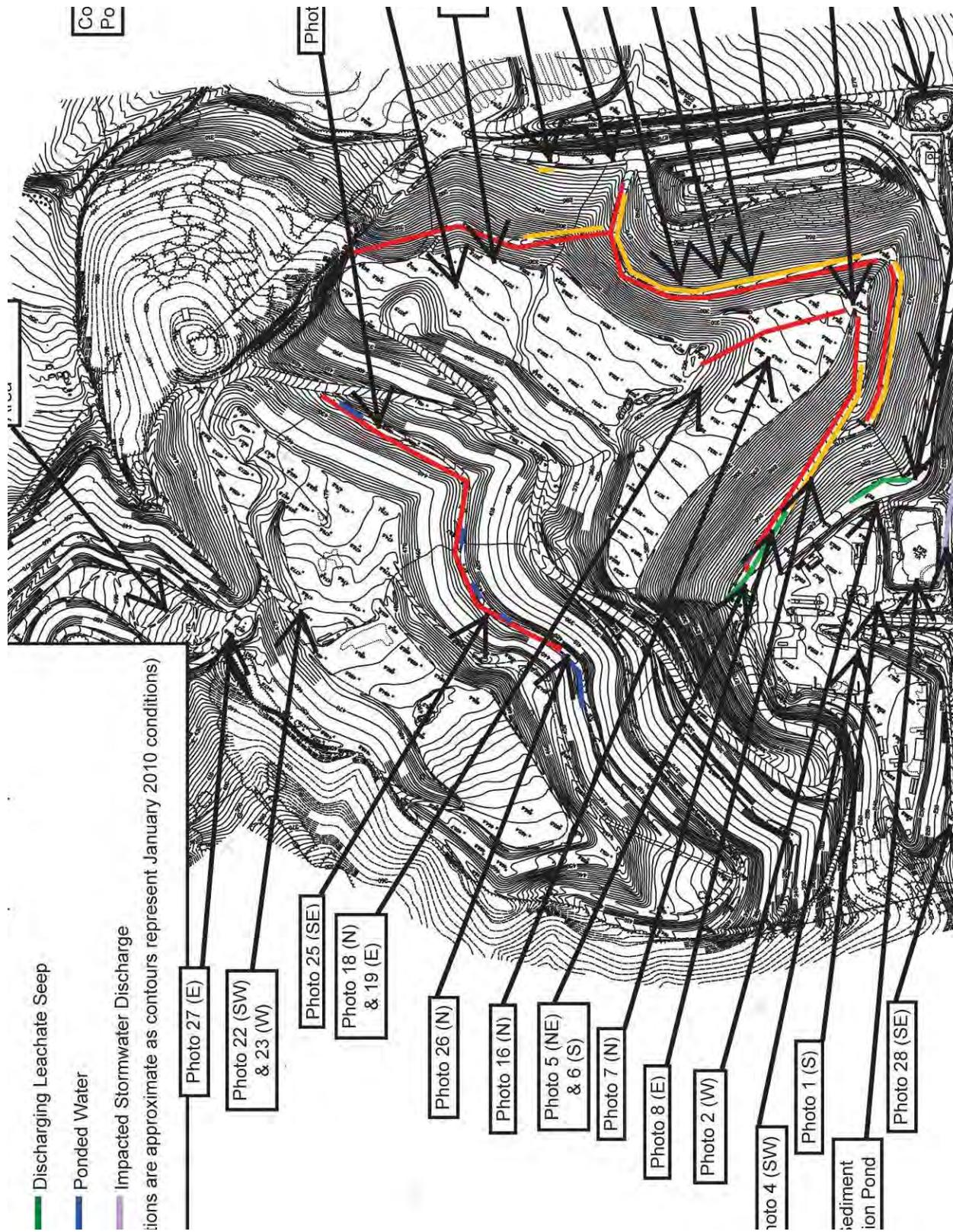


Photo 27 – Soil Stockpile: As noted during the March 21, 2011 inspection, chipped wood functioned well for erosion control but unexpectedly impacted runoff with a dark brown tea color. Due to the tea impacts landfill staff do not intend to continue using chipped wood for erosion control.



Photo 28 – Slopes below Waste Diversion/Public Drop Off Area: Sediment controls require maintenance and have not been cleaned out since last inspection on March 21, 2011. Instructed landfill staff to more promptly maintain sediment controls, although preventing and/or containing seeps is a higher priority.

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**Response to Letter from Bruce Falkenhagen,
dated July 11, 2011**

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

Comment No.	Response
BF-Intro	This comment states that the REIR sections have been improved, that it is not the neighbors' intent to shut down the permitted landfill operation, that neighbors expect the Landfill to operate according to County codes and conditions of its permits, that the neighbors have been frustrated with the lack of enforcement, and that neighbors have been watching the Landfill closely for compliance over the last several years. Because this is a summary of the specific comments below, a response to the introduction portion of this letter is not warranted.
BF-1	This comment states that the current landfill permit has a set life, that neighbors bought properties thinking the Landfill had a set life, that the County should abide by past decisions regarding the set life the Landfill, that the County should refer to the project as new and not an expansion, and that it should be referenced that the neighbors objected to the issuance of the permit in 1991. The County has never viewed the existing operation and associated permit as having a set life or an expiration date after a certain number of years. The County issues land use permits and considers them valid until such time as the applicant decides not to function, in this case as a solid waste disposal facility. The proposed project is referred to as an expansion because it would expand the permanent disposal area, expand the MRF building, and increase the hours of operation and tonnage of waste accepted at the Landfill. In that sense it is an expansion, although a new permit is required before the expansion could occur. Landowners and project applicants, in the County and in a general sense, have the right to apply for a land use permit that supersedes or replaces an existing permit, as is the case with the proposed project. The EIR acknowledges and describes, in Section II, Summary, that the project as proposed (as well as the existing operation) has areas of controversy and that there is opposition to the project. In addition, Appendix J of the FEIR contains the Staff Report prepared by County staff as part of the November 2010 compost operation revocation hearing. The Staff Report contains a history of the project, permits issued for the project over the years, and existing applicable conditions of approval. No changes to the FEIR are necessary.
BF-2	This comment states that the "project is disturbing", that the DEIR and REIR are very flawed, that the commenter is working as a technical consultant to the neighbors, and that the EIR consultant is trying to fit a square peg in a round hole, and that this is the wrong project in the wrong area and that discretion should be used in considering its approval. The EIR consultant is charged with objectively evaluating a project that the County, after review of the land use permit application, has determined per CEQA may result in significant, unmitigable impacts, and therefore would require an EIR. The EIR is to be prepared, and was done so in this case, in a manner that utilizes the best available information and discloses all of this information to the public for review and comment so that the entire record of this process can be taken into consideration by the County decision-making bodies. The EIR has concluded that the project would result in numerous significant and unavoidable impacts within numerous issue areas even after recommended mitigation measures are implemented. According to the commenter, this is evidence that a process of forcing a project through the process is taking place. The Planning Commission and Board of Supervisors have the discretion to approve or deny the application. No changes to the FEIR are necessary.
BF-3	This comment states that mitigation measures recommended in the EIR must be enforceable, that the EIR is considered defective if they are not, that conditions of approval have not been

Comment No.	Response
	<p>implemented by the applicant or enforced as part of existing operations, and that mitigation measures must have enforcement mechanisms. The County has provided direction, and the EIR consultant has followed it in preparation of this EIR, to only include mitigation measures in the EIR that are in direct proportion to the impact, have a nexus to the impact, are feasible to implement, and are enforceable by a third party monitor. A key element of insuring enforceability is the County's recommendation of AES/mm-1 and -2, which requires the County to hire (and the applicant to fund) an Environmental Monitor to monitor compliance with the conditions of approval and mitigation measures for this project. The Monitor will be the contact for neighbors. AES/mm-2 provides very specific roles and responsibilities for the Monitor that must be in place prior to the County issuing a Notice to Proceed with the project. The County recognizes that most other city and county jurisdictions in California have their own local lead enforcement agencies (LEAs) but San Luis Obispo County must rely on CalRecycle in Sacramento as the County's LEA. Therefore, enforcement of all conditions of approval for the existing Landfill operation has not been at optimum levels. No changes to the FEIR are necessary.</p>
BF-4	<p>This comment request clarification on the issue of whether the Landfill would accept water treatment plant sludge and/or wastewater treatment plan bio-solids/sludge as feedstock for the compost operation. As of December 2011, the applicant has elected to eliminate the open windrow compost operation from the proposed project evaluated in this FEIR. Because of elimination of the compost operation, the acceptance of water or wastewater treatment plant bio-solids, or sludge, to be used as compost operation feedstock is no longer applicable. However, the applicant states that they are currently permitted under their RWQCB Waste Discharge Permit and under their Solid Waste Facilities Permit to accept wastewater treatment plant bio-solids. The Landfill states that they do not accept bio-solids because they do not currently have a designated area that is appropriately lined. Sludge is not the same as bio-solids and is the untreated material that comes directly from septic tanks. Sludge is not accepted at the Landfill. Bio-solids are treated. The FEIR has been amended to reflect revisions associated with elimination of the compost operation.</p>
BF-5	<p>This comment states that as part of the Landfill's acceptance of wastewater treatment plant sludge, the EIR should include a mitigation measure that requires the Landfill to quickly deal with the sludge in a manner that precludes odors from being an issue during the following night. Section V.H., Hazards and Hazardous Materials, recommends that the applicant implement HAZ/mm-10. This measure requires the applicant to implement BMP's to control odors, such as the following: mix materials upon receipt (to increase material porosity); stockpile bulking agents or high carbon amendments at the receiving basin; stockpile bulking agents or high carbon amendments for unexpected deliveries; consider blanketing odiferous materials with a six-inch to one-foot layer of bulking agent and high carbon amendments; and, reject odorous loads if possible. In addition, as stated in Response BF-3, the County-required Environmental Monitor would be responsible for insuring measures such as this are implemented correctly. No changes to the FEIR are necessary.</p>
BF-6	<p>This comment states that the County should retain all of the existing Landfill operation permit conditions (i.e., contained within the multiple existing permits). This comment also provides a list of the existing conditions the commenter feels are of key importance. The County, as part of preparation of the staff report for the expansion project, will review all of the existing conditions of approval currently applicable to existing permits (i.e., the MRF, RRP – but not the compost operation since that has been removed from the proposed project) and determine</p>

Comment No.	Response
	which of these would need to be carried forward as part of the issuance of the new land use permit if the project is approved. The new land use permit would therefore contain a combination of applicable existing conditions of approval and new conditions of approval (e.g., those derived through the EIR process). No changes to the FEIR are necessary.
BF-7	This comment seeks clarification regarding the start-up of the compost operation and how aerated static pile compost technology fits into the process of reinitiating the compost operation. As stated above in Response BF-4, the applicant has removed the compost operation from their project description; therefore, open windrow composting, aerated static pile composting, anaerobic digestion composting, or any other form of composting is not part of the project. If the applicant, at some point in the future and as part of a project entirely separate from this project proposes a compost operation on the project site, the County would require a CEQA determination to be prepared that specifically addresses the impacts of that facility (e.g., an EIR or Mitigated Negative Declaration). No changes to the FEIR are necessary.
BF-8	This comment suggests a wording revision to Section I.B., Introduction, Alternative Composting Technologies, of the EIR and states that this section does not contain enough information to adequately evaluate these technologies. The commenter is correct in that this section is an introduction to these technologies and not meant to be an evaluation of them on any level. These technologies were introduced as possible forms of mitigation when the applicant was still considering the possibility of re-initiating the open windrow compost operation. As noted in responses above, the compost operation has been eliminated from the proposed project as have mitigation measures referencing the possibility of the applicant utilizing such technologies in-lieu of the open windrow method. The FEIR has been amended to reflect the elimination of language referencing these technologies.
BF-9	This comment states that the alternative of placing the compost operation in a building was not evaluated in the RDEIR. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Evaluating the compost operation being located within a building is therefore not applicable and this comment warrants no further response. No changes to the FEIR are necessary.
BF-10	This comment seeks clarification as to how the former compost operation was permitted and surmises that there may not have been enough water for the operation even when it was operating at 100 tons per day (TPD). As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Discussion of the how the former compost operation was permitted in the FEIR is not relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-11	This comment states that Section III.C.1.a(3), Project Description should include information regarding the Notices of Violation issued to the applicant by the RWQCB Winter 2010/2011. A discussion of these violations and specifically the remedies implemented has been included in Section V.H.1.f(1)(a), Hazards and Hazardous Materials of the FEIR.
BF-12	This comment request a wording change with respect to alternative daily cover in Section III.C.1.a (4), Project Description. The wording in this paragraph has been revised to reflect the intent of the commenter's suggestion.
BF-13	This comment states that the applicant did not comply with a RWQCB NOV requirement to increase the size of the detention basins in accordance with the guidance given to them and

Comment No.	Response
	therefore it is relevant to the discussion of existing operations. The County's opinion is that enforcement issues relating to the existing Landfill, when applicable to the EIR analysis, are best included in Section V of the EIR. Section III of the EIR, Project Description, is required to include a discussion of the applicant's proposed project. In the case of this project, being an expansion of the existing project, a discussion of the existing facilities and operations is included to provide the reader with a frame of reference. No changes to the FEIR are necessary.
BF-14	This comment suggests more up-to-date descriptions be included in the FEIR regarding the open windrow compost operation. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. How discussions pertaining to the compost operation are worded are no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-15	This comment discusses frequency of tub grinder use as part of the compost operation and how that relates to odors emanating from the open windrow compost operation. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. How discussions pertaining to use of the tub grinder relate to composting are no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-16	This comment states seeks clarification regarding the existing and proposed hours and days of operation for the MRF. Currently, the existing MRF operates Monday through Friday from 7:30 a.m. to 4:30 p.m., although it is permitted seven days a week. However, weekend processing has not historically occurred. In general, receipt of material for processing or disposal has only been 20% of weekday amounts. The proposed days of operation would remain at seven days per week, consistent with the existing permit, and the hours of operation would be expanded to 7:00 a.m. to 10:00 p.m. MRF processing hours would be extended to provide for a second shift, allowing time to process the increase in recyclable materials the facility would receive as a result of the proposed project. The existing permitted hours of operation and the proposed new hours of operation are provided in Table III-4. The applicant states that they do not expect the historic trend of limited processing on the weekends to change. No changes to the FEIR are necessary.
BF-17	This comment provides a wording suggestion in Section III.C.a.(5) concerning the regulatory framework guiding the Landfill's use of leachate for dust control. The wording in this paragraph has been revised to reflect the intent of the commenter's suggestion.
BF-18	This comment request a wording change with respect to nuisance controls in Section III.C.1.e.(2), Project Description. The wording in this paragraph has been revised to reflect the intent of the commenter's suggestion.
BF-19	This comment addresses odors associated with the open windrow compost operation. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. How discussions pertaining to open windrow compost odors are no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-20	This comment provides additional background on the vector control program at the Landfill at the time of preparation of the comments. Based on a review of the information, gull populations have varied considerably at the Landfill. HAZ/mm-3 requires that the applicant

Comment No.	Response
	implement various strategies, as necessary to control the bird population. One specific approach is not prescribed because conditions at the Landfill are dynamic and it is understood by the County that the Landfill will be required to coordinate with the County Environmental Monitor (per AES/mm-1 and -2) to implement new strategies if the situation changes. The condition also requires flexibility in order to accomplish the vector control objectives. No changes to the FEIR are necessary.
BF-21	This comment requests changes to the wording of Section III.C.1.g. pertaining to water supply numbers and reliability. The wording in this paragraph has been revised to reflect the intent of the commenter's suggestion although the revised water numbers are different due to removal of the open windrow compost operation from the project description.
BF-22	This comment states that there could be errors in the calculation of water demand (i.e., approximately 17.4 AFY). Based on information provided by the EIR team's geohydrological consultant, this number is accurate, does not contain errors, and represents a reasonable case scenario for purposes of preparing the EIR. Another aspect of the comment pertains to the claim that water use relating to landscaping and module construction was ignored. Water use relating to landscaping is addressed in the Section V.K.5.b.(5), Water Resources, where it states that the landscaping demand of the proposed project would only last for approximately three years and would be completed well before Landfill operations were at full capacity. Therefore, this water use is not considered part of the future water demand shown in Table V.K.-8. This evaluation of the landscaping water data in this manner is consistent with other geohydrological evaluations prepared for the County and represents a reasonable-case long-term scenario. Additionally, the findings and conclusions of the FEIR would not change, even in the short-term, by including landscaping water use because the substantial water use of the compost operation is no longer proposed. With removal of the compost operation from the proposed project, the on-site water supply is such that, even during dry years, 14.8 AFY of water would remain (refer to V.K., Water Resources, Table V.K.-10). No changes to the FEIR are necessary.
BF-23	This comment states that if it is not stated in the EIR that various Landfill operating permits were issued without the benefit of an EIR (or any public input), then it can be taken as a sign of bias of the EIR preparer. Evidence that bias is not involved includes a detailed description of the permits issued in relation to the compost operation, the revocation hearing held for this facility, as well as inclusion of the 2010 revocation hearing staff report in Appendix J. Instead of bias, this shows an effort to fully disclose as much as possible regarding permitting, conditions of approval, and decision making information associated with the Landfill facility over the last 20 plus years. In addition, not disclosing that a previous component of the Landfill project was approved without an EIR does not suggest bias. No changes to the FEIR are necessary.
BF-24	This comment asks why certain sampling points for stormwater runoff are not shown on Figure III-7 or why certain areas are not designated as stormwater sampling point. The RWQCB is, and will continue to be, responsible for identifying appropriate locations to sample surface waters when the WDRs and SWPPP are updated. As part of discussions with the RWQCB, it is evident that in some cases they wish to retain flexibility as to where the assign sampling points as it may need to change intermittently based on changing conditions at the Landfill and changing storm conditions (e.g., in the case of the very wet winter of 2010/2011). No changes to the FEIR are necessary.

Comment No.	Response
BF-25-28	<p>These comments request clarification on the type and mix of materials to be accepted as part of the former open windrow compost operation, state confusion regarding daily compost operation acceptance quantities, request additional information regarding "bag" or "in-vessel" composting, and request information regarding water treatment plant sludge being added to the composting mix. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project and no other form of composting is proposed (including composting with any of the above listed components). Comments regarding the former open windrow compost operation, such as the type of materials accepted, "in-vessel" or "bag" composting, water treatment plant sludge, etc., are no longer relevant and these comments warrant no further responses. No changes to the FEIR are necessary.</p>
BF-29	<p>This comment states that the existing project has two scales and asks why the proposed project would need to include two more, for a total of four if the traffic associated with the project would only increase by 200 trips per day. The applicant's reasoning for moving from two to four scales, as well as their reasoning for their location of the scales, is that there will now be approximately 1,200 feet of queuing which would help avoid vehicles backing-up onto State Route 227 while waiting to be processed at the scalehouse, a greater ability for the Landfill to facilitate processing of vehicles, a greater ability to inspect loads during periods of queuing, reduce customer wait times, and to the ability to provide a scale that is automated and programmed to receive route trucks. Additionally, the commenter references comments made in the 2009 DEIR regarding daily vehicle trips. Please reference Section X.H., Response to Comments on the 2009 Draft EIR, Response to Comment BF-214. No changes to the FEIR are necessary.</p>
BF-30	<p>This comment suggests that the EIR is in error because it assumes that material dumped on a daily basis would be covered by 5:00 p.m. (consistent with the proposed new closing time). The comment further suggests a limitation requiring the proposed project to not accept loads after 4:30 p.m. be imposed on the project and states this has been a compliance issue in the past. Based on the proposed project, the Landfill will be required to cease activities at 5 p.m. and will be responsible for complying with all other mitigation measures and conditions of approval. It would be prudent for the Landfill to stop accepting waste at 4:30 p.m. while there is time to effectively handle and cover it before 5 p.m. If the Landfill cannot accomplish this, the County Environmental Monitor (required as part of AES/mm-1 and 2) would be responsible for ensuring corrective actions are taken so that the Landfill comes into compliance with what has been permitted. No changes to the FEIR are necessary.</p>
BF-31	<p>This comment states that the landscaping proposed by the applicant would not be adequate for screening visual impacts because it includes slow growing, low water utilizing oak trees. The Landscape Plan (Figure III-11) includes an "oak woodland establishment area" and "visual screening" areas. AES/mm-13 requires the Landscape Plan be updated prior to approval of any construction permits and notes that plants shall emphasize "native and other species common in the area that are drought tolerant". This would allow for use of pine or sycamore trees for visual screening areas. It should be noted as well, that visual screening does not need to block 100% of the views of the project to be considered effective. Lower growing trees, while they don't necessarily block views entirely, can distract viewers from features that would otherwise reduce the aesthetics of an area. No changes to the FEIR are necessary.</p>
BF-32	<p>This comment outlines issues associated with odors of the formerly proposed compost operation location on the top deck of the Landfill. As outlined in responses above (e.g., BF-4),</p>

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	the compost operation has been eliminated from the applicant's proposed project. The location of this former component of the project is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-33	This comment states that the commenter cannot read the cross-sections contained in Figures III-9a and III-9b. Higher quality images have been obtained and these figures will be more readable.
BF-34	This comment states that the Landscape Plan shown in Section III, Project Description, does not show noise mitigation. It is standard CEQA practice to limit the project description to what the applicant is proposing and not have it include recommended mitigation measures that have yet to be adopted by the County decision making bodies. Measure AES/mm-13 requires that the Landscape Plan be updated. Measure NS/mm-1 requires the berms be landscaped in accordance with the proposed landscape plan and aesthetic resources mitigation measures. This could result in grasses, shrubs, and/or trees being planted on the berms. No changes to the FEIR are necessary.
BF-35	This comment states that Section V.H., Hazards and Hazardous Materials needs to be updated to more accurately reflect that the Landfill is operating a falcon and hawk program to help control the gull population. This change has been made throughout the EIR. Also, with respect to this particular issue, please refer to the response to BF-20.
BF-36	This comment states that more up-to-date information needs to be included in the EIR with respect to recent fires at the Landfill and also needs to address the issue of fire hazards associated with the former open windrow compost operation. The EIR concludes that there is risk of fire at the Landfill but that existing regulations would reduce impacts from fire to a less than significant level and therefore the applicant does not need to provide documentation of every event that takes place at the Landfill. It does not conclude that there would not be fires at the Landfill. Additionally, the compost operation has been eliminated, as stated above (e.g., BF-4), and therefore is no longer a potential fire threat. No changes to the FEIR are necessary.
BF-37	This comment states that the EIR's use of the permitted throughput of the compost operation does not make sense. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-38	This comment states that the EIR is deficient because it does not discuss the potential to restart the compost operation or the future acceptance of bio-solids or other compostable materials. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Therefore, this comment is no longer relevant and this warrants no further response. No changes to the FEIR are necessary.
BF-39	This comment describes the a rainwater catchment system constructed by the commenter on his property, that it is needed due to a lack of groundwater on his property, and that this catchment system is being impacted by the dust, mold, and spores of the open windrow compost operation, and that the catchment system is likely to be impacted further once the compost operation moves to the top deck of the Landfill. The comment also recommends certain mitigation measures be included in the EIR to reduce impacts to the catchment system. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from

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	the applicant's proposed project. Potential operational and health impacts resulting to the commenter's catchment system are no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-40-41	This comment states that the sub-sections of Section V.H., Hazards and Hazardous Materials are incorrect because they do not include up-to-date information relating to leachate seeps detected by the RWQCB in the last two years. Discussion of these seeps and violations has been added to this section of the EIR.
BF-42	This comment takes issue with how odors are described and states that the worst issues are associated with the open windrow compost operation. This comment also notes the high number of complaints made by neighbors while the compost operation was in place versus the very low number of complaints by neighbors once the compost operation was taken out of commission in September 2010. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-43	This comment states that the wording in the Existing Conditions, Odor discussion, pertaining to meteorological conditions at the project site is wishy-washy and then goes on to recommend wording revisions. The wording changes would not have a bearing on the conclusions and findings in the FEIR because this is the Existing Conditions section of the EIR and odor impacts are subsequently identified as Class I, significant adverse and unavoidable. No changes to the FEIR are necessary.
BF-44	This comment provides editing suggestions to help clarify the odor discussion pertaining to Landfill versus compost operation odors. The compost operation has been eliminated and the FEIR has been modified to reflect this change, thereby at least partially addressing the commenter's suggestions in this comment.
BF-45	This comment takes issue with the factuality of the odor complaints discussion, specifically the increase in complaints documented by the County in 2009. The commenter requests a more detailed description going back to 2001. The EIR does not intend to imply that odor complaints were "made up." It factually notes that complaints increased in 2009. This proposed modification has no bearing on the analysis which subsequently identifies odors as Class I, significant adverse and unavoidable. The wording changes would not have a bearing on the conclusions and findings in the FEIR. No changes to the FEIR are necessary.
BF-46	This comment takes issue with the chronology of when the Landfill began to work with CalRecycle on the issue of odors and suggests wording modifications. This statement is not incorrect, as January 2010 occurred between March 2009 and July 2010 and in fact occurred "during" that time. This proposed modification has no bearing on the analysis which subsequently identifies odors as Class I, significant adverse and unavoidable. The wording changes would not have a bearing on the conclusions and findings in the FEIR. No changes to the FEIR are necessary.
BF-47	This comment recommends that the EIR preparers check with the other compost operations in the area to determine the number of odor related complaints they have received. For the reasons identified in the EIR, the BAAQMD threshold was used in the analysis, not the SLOAPCD threshold. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Therefore, this odor-related comment

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	is no longer relevant and this warrants no further response. No changes to the FEIR are necessary.
BF-48	This comment suggests that any odor or Landfill complaint that is verified by the Sheriff's Department, APCD, or County Environmental Monitor be considered valid. It is reasonable to assume that the Environmental Monitor required in AES/mm-1 and -2 would accept the evaluations of other credible law enforcement and regulatory agencies such as those listed above (and others). For example, the Monitor would not discount violations identified by SLOAPCD or the County Sherriff. No changes to the FEIR are necessary.
BF-49	This comment states that if CalRecycle will be the LEA on any part of the proposed project, an agreement with them needs to be made so that they also enforce the conditions of approval associated with the land use permit being requested by the applicant. The County of San Luis Obispo does not have a local LEA. CalRecycle in Sacramento acts as the LEA. This has resulted in many of the enforcement issues noted in the EIR and by the public. Measures AES/mm-1 and -2 require a County-hired, applicant funded, Environmental Monitor. This position would be responsible for monitoring the Landfill's compliance with all conditions of approval and mitigation measures. Enforcement of all conditions of approval and state and federal laws applicable to the Landfill operation is an important issue for the County which will be further addressed as part of the staff report recommendations to the County decision making bodies. No changes to the FEIR are necessary.
BF-50	This comment suggests that it will be impossible for the Landfill to compact waste immediately after disposal if waste can be accepted up to 5:00 p.m. given that the facility must shut down at 5:00 p.m. The comment further suggests that the proposed project not accept loads after 4:30 p.m. to allow enough time to off-load, compact, and spread ADC. Based on the proposed project, the Landfill will be required to cease activities at 5 p.m. and will be responsible for complying with all other mitigation measures and conditions of approval. It would be prudent for the Landfill to stop accepting waste at 4:30 p.m. while there is time to effectively handle and cover it before 5 p.m. If the Landfill cannot accomplish this, the County Environmental Monitor (required as part of AES/mm-1 and -2) would be responsible for ensuring corrective actions are taken so that the Landfill comes into compliance with what has been permitted. No changes to the FEIR are necessary.
BF-51	This comment states that high fees may be another reason for illegal dumping of waste and suggests that this be added to the EIR. The EIR paragraph that the commenter suggests be revised is a summary of comment received at the public scoping meeting. The commenter may be correct in his suggestion but it was not included as a reason in the public scoping hearing. Additionally, such changes to the FEIR would have no bearing on the final conclusions and recommendations. No changes to the FEIR are necessary.
BF-52	This comment states that litter control plan update notifications should be made every three years. HAZ/mm-1 requires updates when there are changes at the Landfill that would require an update – such as project components moving or expanding. HAZ/mm-2 requires the litter control plan to be updated at minimum every five years. No changes to the FEIR are necessary.
BF-53	This comment states that the litter control plan should be physically distributed to neighbors within 1.5 miles of the Landfill in addition to being posted on the Landfill website. The litter control plan would be available for public review at the County Planning and Building

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	Department and the Landfill website. Access to the plan on the internet is considered adequate in this case and would meet the objective of the mitigation measure. No changes to the FEIR are necessary.
BF-54	This comment suggests that HAZ/mm-2 require weekly trash pick-up rather than bi-monthly pick-up. The commenter suggests that “trash does not blow out based on a fixed schedule” and questions why neighbors should be responsible for contacting the Landfill; however, the commenter also suggests a measure which follows a fixed schedule and requires the neighbors to notify the Landfill (albeit via email instead of phone). The measure proposed by the commenter is nearly identical to HAZ/mm-2, although it would require monthly pick-up and rely on email instead of bi-monthly pick-ups and the phone. It is true that monthly pick-up would be more effective than bi-monthly in keeping properties trash free. Weekly pick-up would be even more effective. Ultimately however a mitigation measure under CEQA needs to be proportional to the impact – and bi-monthly trash pick-up is a reasonable recommendation particularly when it is only one of the measures recommended to control fugitive trash. No changes to the FEIR are necessary.
BF-55	This comment states that some neighbors do not want Landfill employees on their property, that there is no law requiring litter control on private property, and that a mitigation measure should be included requiring the Landfill to pay for third party litter control on neighboring properties. The applicant recognizes that enforcement of the various recommended mitigation measures will be challenging in many cases. The coordination necessary to administer the proposed third party litter control measure would reduce the measures feasibility. Per AES/mm-1 and -2, the County Environmental Monitor (i.e., a third party monitor) would be available to assist in addressing concerns associated with Landfill personnel conducting litter control on neighboring properties. No changes to the FEIR are necessary.
BF-56	This comment recommends modifications to the litter control fencing portion of HAZ/mm-2. HAZ/mm-2 (c) has been modified so that any permanent perimeter litter control fence chosen shall consider aesthetics. However, a six-foot tall chain link fence, with colored slats would introduce a linear and uniform element to the viewshed and is not necessarily desirable. No changes to the FEIR are necessary.
BF-57	This comment references an existing condition of approval pertaining to litter removal from fences and states that it should be added to the FEIR. HAZ/mm-2 requires the applicant to prepare an updated litter control plan. The measure proposed would be incorporated into that plan. In addition, please refer to Response to BF-6 which outlines the County’s process and intentions with respect to incorporation of existing conditions of approval. No changes to the FEIR are necessary.
BF-58	This comment raises concerns regarding the enforceability of HAZ/mm-2(h), which requires the Landfill to investigate litter dumped along highways within five miles of the Landfill within one week of receiving a call. If it is determined to be operator-based, the Landfill would be required to remove the litter. How the Landfill, in coordination with County Environmental Monitor, will prove litter is from operator-based materials is not known at this time. Such determinations will not be the responsibility of neighbors and neighbors only need to make the call if they see a litter issue. However, the County’s opinion is that a system for reliably making a determination if roadway litter needs to be cleaned-up is operator-based. This measure also assumes that the neighbors and the Landfill would act in good faith and reasonably. No changes to the FEIR are necessary.

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BF-59	This comment seeks clarification regarding capacity of the compost operation. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-60	This comment request that airport bird strike data be shown in a number of different ways so as to possibly show a trend relating to the Landfill operation. The EIR analysis is fairly conservative on this issue. The San Luis Obispo County Regional Airport (SLOCRA) has been made aware of the proposed project on multiple occasions and has not suggested that bird strikes due to the Landfill are a significant issue. However, the Landfill is in relatively close proximity to the airport and bird populations at the Landfill are highly variable. As a result, the EIR concluded that the proposed project would potentially result in a significant impact. A more intensive analysis of bird strike data as the commenter proposes does not appear to be warranted at this time. Such an analysis would be prepared as part of an FAA-funded Wildlife Hazards Analysis which requires avian and wildlife surveys over a one-year period at multiple points within a six mile radius of a commercial airport such as SLOCRA. In the future, as HAZ/mm-4 is implemented, the Landfill will need to verify that it is not responsible for an increase in bird strikes. The method of verification may reflect what the commenter suggests, or it may not. Ultimately, the County's Environmental Monitor will determine (likely confirming with the airport) if trends exist. No changes to the FEIR are necessary.
BF-61	This comment requests the addition of hawks to the bird strike discussion. This addition has been made and is reflected in the FEIR.
BF-62	This comment requests expanding HAZ/mm-3 to address gulls utilizing neighboring properties, rooftops, and ponds. HAZ/mm-3 is recommended to control the bird population in general so as to prevent bird strikes. However, this measure is worded in a general manner to allow the applicant flexibility in how they go about addressing bird-related issues. No changes to the FEIR are necessary.
BF-63	This comment suggests structuring HAZ/mm-3 to note that reduced numbers of falcons and hawks lead to reduced success in controlling the gull population. The measure encourages the use of birds of prey to control the bird population. The measure also requires the Landfill to engage in ongoing bird deterrent strategies using various techniques, as necessary. Those who fly the birds would know which combination, if any, of falcons and hawks would best control the bird population. No changes to the FEIR are necessary.
BF-64	This comment seeks clarification regarding relationships between HAZ/mm-3 and other mitigation measures. HAZ/mm-3 has been revised to ensure that it is a stand-alone mitigation measure and is not linked to any other mitigation measures.
BF-65	This comment suggests that a mitigation measure be added that requires the Landfill to clean neighbor's houses and cars of seagull feces. It is the objective of this EIR, and the recommendation of AES/mm-1 and -2, to ensure that situations such as an increase in bird feces on neighboring properties are addressed by the County Monitor in coordination with the applicant by modifying bird deterrence strategies. Requiring the Landfill to clean cars and roofs of "neighboring properties" is unreasonable and infeasible. No changes to the FEIR are necessary.
BF-66	This comment states that the EIR should include language stating that the wire grid system has been tried and does not work as a bird deterrent. HAZ/mm-3 does not require a wire grid

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	system be used in the future and only suggests it as an example. The wire grid system could be tried again at any one of the various project components. The EIR correctly includes the potentially secondary impacts associated with HAZ/mm-3. No changes to the FEIR are necessary.
BF-67	This comment states that HAZ/mm-5 contain a provision requiring the recommended Fire Prevention Plan be updated every five years. As the commenter states, the Fire Code will undoubtedly change in the future. However, just because a fire control plan does not reflect the most up to date technologies does not mean the proposed project would result in a significant fire hazard impact. CAL FIRE will require the applicant to update the Fire Prevention Plan, as needed. No changes to the FEIR are necessary.
BF-68	This comment refers the reader back to comment 39 and again requests that the mitigation measure require the Landfill to care for the commenter's rainwater catchment system. Please refer to BF-39 for the applicable response. No changes to the FEIR are necessary.
BF-69	This comment states that the information in the HRA is not supported because a neighbor, who lives 4,300 feet away, no longer suffers from compost-related bio-aerosols now that the compost operation has ceased. As noted in the HRA, a survey prepared by a qualified consultant indicates that there is no discernible trend (based on proximity to the Landfill or years of residence) of health effects caused by the Landfill. This conclusion is confirmed by the SLOCOPHD. It does note that some neighboring residents attribute health problems to the Landfill. An EIR is to provide an evaluation of a reasonable worst case scenario but should not err on the side of extremism. No changes to the FEIR are necessary.
BF-70	This comment states that wind directions at the Landfill vary and come not only from the northwest. The fact that wind direction varies is acknowledged and that is why the term "prevailing" is used in reference to the northwesterly direction. The comment then correlates the distance of property owners from a compost operation on the top deck of the Landfill. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project and would not be located on the top deck of the Landfill. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF 71-76	This comment regarding HAZ/mm-8 addresses the former compost operation and requests that the measure be amended. The comment raises issues relating to enforcement of the measure, suggests fines be included if the measure is not implemented, questions the baseline associated with bio-aerosols, seeks clarification regarding follow-up monitoring, and questions the adequate height of windbreaks. No further revisions to FEIR are necessary because the composting operation has been eliminated from the project description and the nexus to potential bio-aerosol impacts no longer exists.
BF-77	This comment states that odors are not more offensive during warmer weather periods and recognizes that odors affect all neighbors in the vicinity of the Landfill. Comments made by residents at the scoping meeting in 2007 indicated that odors were a significant issue, particularly during warmer months. Adding additional generalities about the nature of the unconfirmed and/or confirmed odor complaints would not affect the analysis or conclusions. The EIR is clear that odors are an issue at the Landfill and that, even with proposed mitigation measures, impacts would be significant and unavoidable. No changes to the FEIR are necessary.

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BF-78	This comment requests a wording change to the odor discussion associated with composting which is no longer part of the project. The requested change does not affect the analysis or conclusions. No change to the FEIR was made.
BF-79	This comment takes issue with the relocation of the compost operation and the odor dispersion affects that would result. As outlined in responses above (e.g., BF-4), the compost operation has been eliminated from the applicant's proposed project and would not be located on the top deck of the Landfill. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.
BF-80	This comment requests that HAZ/mm-10 wording change in certain instances from "may" to "shall" and in other instances remove "consider" so as to eliminate the ability of the applicant to contest the measure's applicability. Not all the BMP's and measures may be applicable to the operation during the course of the life of the permit and the measure is intended to provide a conceptual approach, allow for applicant flexibility if new and better technologies are developed, and allow the County's Environmental Monitor the ability to make further recommendations that accomplish the objective of the measure. Ultimately, the County, in coordination with other agencies, would determine if the applicant is taking all feasible measures to control odors. No changes to the FEIR are necessary.
BF-81	This comment suggests revisions to bullets seven and eight of HAZ/mm-10. These bullets have been stricken from the FEIR because they are related to the former compost operation, now removed from the project description, and are no longer applicable. No further revisions to the FEIR are necessary.
BF-82	This comment notes a redundant aspect of HAZ/mm-10. The measure has been revised accordingly in the FEIR.
BF-83	This comment references HAZ/mm-10 and states that locating a compost operation in a building does not stop odors. This measure does not recommend placing the compost operation in a building, perhaps it is HAZ/mm-13 that led to this comment. Either way, as mentioned above, the applicant has removed the compost operation from the project description and this comment is no longer applicable and does not warrant further response. No changes to the FEIR are necessary.
BF-84	This comment states that there are no measures to control odors on the Landfill face. The operating portion of the Landfill is recognized as a source of odors and portions of HAZ/mm-10 not relating to the former compost operation have been retained so as to address Landfill face odor issues. No further revisions to the FEIR are necessary.
BF-85	This comment requests that the term "grit" be added throughout applicable sections of the EIR. Sludge from wastewater treatment plants cannot be composted, even if it is called "grit" instead of sludge. No further revisions to the FEIR are necessary.
BF 86-92	These comments apply to compost monitoring should the compost operation be re-established and the review of the compost operation by the Planning Commission after Landfill re-establishment. As outlined in responses above (e.g., BF-4), the open windrow compost operation has been eliminated from the applicant's proposed project. Therefore, this comment is no longer relevant and this comment warrants no further response. No changes to the FEIR are necessary.

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BF 93-94	These comments take issue with the Residual Impact discussion associated with HAZ/mm-13. The language has been eliminated from the FEIR as it was related to the former compost operation. No further changes to the FEIR are necessary.
BF-95	This comment summarizes permit compliance issues relating to noise generated by the former compost operation, specifically noise occurring as a result of the former compost operation beginning and ending operations before and after the timeframe for operation specified in the 2001 compost operation permit. The FEIR has been revised to eliminate discussion of compost operation impacts and mitigation measures associated the former composting operation. Therefore, this comment warrants no further response and no further changes to the FEIR are necessary.
BF-96	This comment outlines sources of noise associated with the RRP such as concrete dumping, music, and beepers. The comment also states that the EIR continually misses these as a noise source. The EIR mentions sources of RRP noise including the dumping into bins and back-up beepers and measured this noise as part of noise studies conducted for the project. NS/mm-8 in the FEIR has been amended and recommends lining metal containers to the extent feasible to control "banging" associated with dumping concrete. It is important to note that hearing the Landfill does not necessarily mean there is a significant impact. If the 50 dBA threshold is exceeded, the impact is significant. No further changes to the FEIR are necessary.
BF-97	This comment states that Site B is not representative of Landfill noise because it is behind a hill. As noted in the paragraph, Site B and Site D are considered representative of Landfill noise because they are less affected by noise along State Route 227. The intent of including Site B was to study a diverse and representative sample of locations around the Landfill, understanding that there would be variation from site to site given topography and other factors. Regardless of whether Site B is factored into the equation or not, the noise studies conducted for the EIR determined that the proposed project would result in significant adverse and unavoidable Class I Impacts. No changes to the FEIR are necessary.
BF-98	This comment states that the EIR must be corrected to include that Site D is the location of a residence as well as being located on the property line. Similar to Site B, Site D is considered less affected by State Route 227 noise than Sites A, C, and E. It is correct that Site D is also on a property line but that is not material to the discussion. This information would not affect the conclusions in the FEIR, which state that the project would result in significant adverse and unavoidable Class I Impacts. No changes to the FEIR are necessary.
BF-99	This comment states that because the EIR notes that noise measurement were likely skewed upwards due to SLOCRA aircraft noise is an example of a biased statement. The FEIR, Section V.I.b.(2)(b) states that <i>landfill noise levels</i> were determined based upon field observations by Brown-Buntin & Associates (BBA). Since an observer was not continuously present during the 2010 long-term measurements, it is not possible to identify all sources of noise that may have affected the noise measurement sites over a two-week period. Noise sources <i>not</i> associated with the Landfill operation that could have produced the highest (maximum) noise levels during any given hour include roadway traffic, aircraft over-flights and a variety of localized sources such as yard maintenance, chirping birds and barking dogs. Long-term measurements, including noise from all sources, were reported for informational purposes in the charts and tables of Appendix E. This is described in detail on Page 3 of the 2010 Study:

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	<p><i>"BBA staff visited each of the long-term sites several or more times during the long-term noise monitoring program to identify the sources of noise that were audible at the sites and to note the noise levels being generated by specific landfill equipment and/or operations. BBA staff also discussed landfill operations and noise levels with property owners at each of the long-term sites to gain an understanding of the landfill noise sources that potentially impact each site. Noise measurements were also conducted by BBA at additional short-term sites for the purpose of documenting noise levels generated by landfill equipment and/or operations without interference from other noise sources such as vehicular traffic."</i></p> <p>Page 4 of the 2010 Study concludes that:</p> <p><i>"Reported maximum noise levels were most likely caused by localized activities near the microphone, occasional aircraft over-flights or roadway traffic at all of the long-term sites. Since hourly Leq values represent energy average noise levels, they can be significantly affected by occasional noise events that may or may not be related to landfill activities. This was most likely the case at Sites A, C and E. Hourly Leq values measured at Sites B and D are assumed to be generally representative of landfill activities due to their locations relatively close to landfill noise sources and at some distance from major traffic noise sources."</i></p> <p>The statement is clear and presents facts provided by a qualified noise consultant. It is not conjecture. It does not imply, as the commenter suggests, that "the neighbors are whiners" nor does it show unprofessional bias. With regard to aircraft activity, the FAA reports an average of 241 aircraft operations per day at the San Luis Obispo County Regional Airport (SLOCRA) during the 2010 calendar year. Approximately one percent of those operations were commercial flights. Many general aviation aircraft generate higher noise levels than the types of commercial jet and turboprop aircraft that operate out of the SLOCRA. No changes to the FEIR are necessary.</p>
BF-100	<p>This comment seeks clarification regarding noise levels specified in the RDEIR. Table V.I-3 of the RDEIR provides a summary of noise measurement data collected by BBA between January 29 and February 10, 2010. The table is intended as a way of presenting a lot of complex information in a simplified format. The data presented in the table may be further clarified as follows:</p> <ul style="list-style-type: none"> • For Site B, the tub grinder was observed to produce an energy average noise level (Leq) of 73 dBA at a distance of 450 feet from the grinder. At a distance of approximately 2,200 feet, composting/soil movement activities were observed to produce noise levels in the range of 40 to 59 dBA with Leq values of 42 to 55 dBA. Bird whistles at Site B produced noise levels in the range of 47 to 51 dBA. • For Site C, landfill activities were observed to produce noise levels in the range of 40 to 48 dBA. Leq values were not measured at Site C due to interference from traffic on State Route 227. Bird whistles at Site C produced noise levels in the range of 42 to 43 dBA. • The maximum noise levels reported for Site D included the composting operation (Scarab) and bird whistles. • For Site E, maximum noise levels from the disposal area and RRP were observed to be in the range of 50 to 57 dBA. Bird whistles at Site E produced noise levels in the

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	<p>range of 66 to 73 dBA.</p> <p>No changes to the FEIR are necessary.</p>
BF-101	<p>This comment questions noise levels resulting from back-up beepers and the distances of noise readings for beepers. The 2010 Study concludes that back-up warning devices produced noise levels between 52 to 53 dBA at Site D, and 40 to 52 dBA at Site E (1,250 and 2,500 feet from the alarms). The commenter provides no information disputing these numbers except that the beepers can be "very clearly heard". The 2010 Study does not conclude that beepers are clearly audible at Site C. The 2010 Study also notes that while back-up alarm would not be expected to exceed County thresholds, they are at times distinctly audible. This conclusion is consistent with the comment. No changes to the FEIR are necessary.</p>
BF-102	<p>This comment states that the issue with back-up beeper is that there are often multiple beepers operating simultaneously and continuously. BBA conducted specific noise measurements to define noise levels from back-up alarms. Measured noise levels were in the range of 52 to 53 dBA at a distance of 1,250 feet. Backup alarms are normally considered intermittent noise sources because their noise levels do not contribute significantly to overall noise levels produced by the heavy equipment to which they are affixed. However, back-up alarms are often distinctly audible due to the character (frequency content) of the sound the alarms emit. Noise levels due to backup alarms would not be expected to exceed the county's standards at off-site locations.</p> <p>Nevertheless, NS/mm-1 and NS/mm-8 have been amended so that any noise mitigation plans also address back-up warning devices and suggests that beepers/warning devices be installed which produce the lowest noise levels or use ambient noise sensitive devices, but still allow for safe working conditions at the Landfill. Landfill operations consist of numerous ongoing simultaneous activities that require the use of heavy equipment and many employees and members of the public are onsite regularly. Some discretion needs to be provided to the applicant so that any back-up alarm systems minimize noise impacts, but also provide safe conditions for employees and the public. It is not appropriate for the EIR to prescribe a specific beeper type. No changes to the FEIR are necessary.</p>
BF-103	<p>This comment states that all traffic utilizing the Landfill should be routed through Price Canyon Road so as to minimize traffic generated noise along Noyes Road. The EIR concludes that the contribution of the additional truck traffic to cumulative noise levels is less than significant. Please refer to Appendix E. Further, the measure proposed in the comment would concentrate truck traffic in one direction, substantially increase the noise exposure at the one residence immediately north of the Landfill, and likely be considered infeasible from an enforceability standpoint. The measure would also potentially focus a majority of the Landfill related trips on to one road, potentially increasing secondary impacts to traffic, air quality, and noise. No changes to the FEIR are necessary.</p>
BF-104	<p>This comment requests clarification on which aspects of the proposed project would be considered construction (or not considered construction) for the purposes of applying noise standards. The commenter then lists those aspects of the project that would be considered construction (i.e., expansion of the MRF, relocation and construction of the RRP, relocation of entrance and scalehouse). Refer to Section V.I.3.e, Noise. All other aspects of the proposed project (e.g., daily filling of modules, operation of the MRF and RRP, stockpiling) would be considered operational. The commenter correctly distinguishes between which activities are</p>

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	considered construction and which are not. No changes to the FEIR are necessary.
BF-105	This comment points to an inconsistency in the RDEIR relating to stockpiling as a construction source. The FEIR has been amended to reflect that stockpiling is considered an operational noise source.
BF-106	This comment states that Figure V.I.-2 of the RDEIR is inaccurate due to Site C not being correctly identified. This comment is noted and the figure has been revised in the FEIR.
BF-107	This comment questions the statement in the EIR which points out that because the noise evaluation is based on 2,350 tons per day (and includes a compost operation), noise impacts may be slightly overestimated. This comment is considered valid as the Landfill would not be operating a composting operation which processes up to 300 tons per day as was previously projected. In addition, the EIR still identifies noise impacts associated with multiple aspects of the project to be significant, adverse, and unavoidable. No changes to the FEIR are necessary.
BF-108	This comment assumes that the transportation noise impacts identified in the RDEIR are in error because the traffic generated by the project is incorrectly evaluated. The portion of this comment relating to trip generation relates to comments and responses to BF-29 (refer to above) and BF-214 (refer to Section X, Response to Comments on the 2009 DEIR). The comment responses outline that, per the commenter's suggestion, trips have been alternatively calculated using a tons per trip/vehicle approach and that in doing so it was determined that the increased number of vehicle trips identified using this approach would not change the level of impacts identified in the 2011 RDEIR for traffic and noise. Please refer to Appendix E, September 30, 2011 Updated Traffic Noise Analysis prepared by BBA. It should also be noted that it is highly unlikely for the Landfill to accept the maximum tons per day limit on a daily basis. Historically on weekdays, the Landfill has only accepted approximately 60% of its permitted tons per day and 43% of its permitted capacity overall. Therefore, the professional opinion of the EIR consultant team is that a very conservative approach has been taken in evaluating traffic and noise and that these sections are not in error. No changes to the FEIR are necessary.
BF-109	This comment suggests that a "throughput" limit be established for the Landfill. The Landfill has requested a permit which allows them to accept and process up to 2,050 TPD. The EIR analysis assumes that at some point in the future the proposed quantity of material would be accepted every day as a reasonable worst case scenario. In other words, the average per day would equal the maximum allowed. This does allow for fluctuations in rates. It should be noted that this estimate is very conservative, as data has shown that the Landfill historically has operated at less than 70% of its permitted volume. During its peak day in 2006, the Landfill accepted 1,169 tons, 72% of its permit limits. The Landfill maintains detailed records in regard to tonnage received. These records can be reviewed as necessary to determine actual acceptance rates. No changes to the FEIR are necessary.
BF 110-111	These comments parallel comments BF-108 and BF-109 above in questioning the accuracy of the transportation aspect of the noise assessment. Responses to BF-108 and BF-109 address the concerns raised in this comment. No further changes to the FEIR are necessary.
BF-112	This comment recommends adding text to the noise section for purposes of clarification. Table V.I-2 reports the Leq and range of noise levels (in parenthesis) measured while the

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	referenced equipment was in operation at various distances from the microphone. The Lmax is the highest value in the range of numbers and the Leq represents the energy average noise level during the noise measurement period. The reasonable worst case scenario is not necessarily the maximum noise level ever recorded. No changes to the FEIR are necessary.
BF-113	This comment suggests that language be added to the EIR that ties the amount of time equipment is inside a module versus outside of it to the noise evaluation. The paragraph referenced in the comment is accurate as written and confirmed by the comment. The addition of the proposed language would not affect the conclusions in the EIR, which already identify noise impacts associated with multiple aspects of the project as significant, adverse, and unavoidable. No changes to the FEIR are necessary.
BF-114	This comment correctly identifies that noise is measured at the property line. The property line noted would also be subject to significant unavoidable impacts resulting from disposal activities. No changes to the FEIR are necessary.
BF-115	This comment questions distances of noise readings and determinations. The comment also requests the removal of a particular sentence. Based on Figure III-8, the residence is located 800 feet from the closest point of Module 14 and approximately 1,200 feet from the center of the proposed permanent disposal expansion area. Removal of the proposed language would not affect the conclusions in the EIR, which already identify noise impacts associated with multiple aspects of the project as significant, adverse, and unavoidable. No changes to the FEIR are necessary.
BF-116	This comment asks whether noise measured as part of preparation of the EIR, which was above County noise standards, resulted in a notice of violation to the Landfill and how the County has enforced noise standards. The EIR is not the appropriate mechanism for rectifying violations associated with existing permits and conditions. However, it describes existing conditions and evaluates potential impacts from the proposed project. The EIR includes measures (AES/mm-1 and 2) which require an applicant-funded, County-hired Environmental Monitor to oversee condition compliance and mitigation measures. As the commenter points-out, mitigation measures recommended as part of this EIR need to be enforceable and have an identifiable enforcement provision. It should be noted that if the decision makers decide to approve the project with over-riding findings, exceedance of the noise threshold should be expected. All feasible measures will still be applied to the project as approved by the Planning Commission or Board of Supervisors. No changes to the FEIR are necessary.
BF-117	<p>This comment states that noise levels reached at Site B should be taken into consideration when determining impacts and mitigation measures. The Site B property line is at the southeastern property line – although admittedly, the shape of the project site and parcel configurations make southeast a relative term. In any event, NS Impact 1 is applicable to this property line. And due to the topographic conditions and nature of the project, thresholds would be exceeded at this property line.</p> <p>The second paragraph of the comment describes what is considered in the EIR to be a “secondary impact.” Potential secondary impacts resulting from the implementation of NS/mm-1, -2, and -3 are identified in the EIR. No changes to the FEIR are necessary.</p>
BF-118	This comment states that the Noise Mitigation Plan, as part of NS/mm-1, should address impacts to the Bergantz property. There does not appear to be any feasible mitigation that

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	could reduce noise levels below the 50 dBA that have not already been recommended. The topography and parcel shape is such that berms and other mitigation are infeasible and that is why a significant adverse unavoidable Class I Impact has been identified. No changes to the FEIR are necessary.
BF-119	This comment parallels the comments provided as part of BF-99. Please refer to response to comment BF-99. No changes to the FEIR are necessary.
BF-120	This comment also parallels the issues and concerns raised in comment BF-99 (refer to response to comment BF-99). In addition, the 24-hour measurement site utilized in 2008 was in a different location than Site D in the 2010 study. This makes it impossible to directly compare measured noise levels. However, Site D was located very close to a local service road with intermittent traffic that may have affected measured hourly maximum noise levels. No changes to the FEIR are necessary.
BF-121	This comment raises numerous concerns and provides suggestions with respect to NS/mm-3. This measure requires preparation of a Noise Barrier Contingency Plan to provide a means of reducing noise levels on surrounding residences. A number of commenters, including the applicant, have raised numerous issues associated with the implementation of NS/mm-3. County staff recognizes that there may be challenges to implementing NS/mm-3, but also recognizes that feasibility of implementing the measure cannot be completely eliminated. The County is required, per CEQA Statute 21002 and Guidelines Section 15126.4(a)(1), to recommend such a mitigation measures because NS/mm-3 attempts to reduce a Class I Impact (i.e., significant unavoidable and adverse) and because the measure has the potential to reduce impacts. The County Monitor (recommended per AES/mm-2) would track the applicant's compliance with this measure. The fee payment component of NS/mm-3 (option 3) requiring the applicant to make a one-time payment to the property owner of the affected residence is intended to be consistent with Noise Element, Chapter 4, Implementation Measure 4.14(f), and to provide the owner of the residence with money to implement noise mitigation on their own accord. County staff has recommended that NS/mm-3 remain as part of the FEIR. No changes to the FEIR are necessary.
BF-122	<p>This comment states that the sentence regarding a berm's noise reducing capacity is not clear and should be re-written. The sentence identified in the comment is clearly written in the EIR. The commenter has provided quotes that do not actually quote the text. The sentence has been included here in its entirety:</p> <p>"The <i>Noise Element</i> indicates that properly designed earthen berms can reduce noise exposure from 5 dB to as much as 15 dB, which would potentially reduce noise levels at the southeastern property line to close to, but not below, the 50 dBA threshold."</p> <p>The sentence is clear and accurate. A significant adverse unavoidable Class I Impact has been identified. No changes to the FEIR are necessary.</p>
BF-123	This comment states NS/mm-10 (which is recommended to reduce noise impacts of heavy machinery) should be added to the Residual Impact discussion for disposal activity impacts. The suggestion has been incorporated into the cumulative impact discussion (refer to Section V.I.6.), which recommends implementation of NS/mm-1 and -2 in conjunction with NS/mm-10. No changes to the FEIR are necessary.

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BF-124	This comment states that the berm installation described in NS/mm-3 would result in secondary dust issues and secondary water supply impacts if landscaped and watered. Berms are only one possibility in terms of mitigation options stemming from NS/mm-3. Most of the options (i.e., taking the form of "well-constructed noise barriers") have the potential to result in secondary aesthetic impacts which are mentioned in this discussion. No changes to the FEIR are necessary.
BF-125	This comment point out a grammatical error that has been corrected in the FEIR.
BF-126	This comment questions whether the applicant has enough space for stockpiling and offers a portion of the commenter's property to make up the difference. This is a proposition the commenter should discuss with the applicant. If an agreement is reached, it would need to be included as part of this EIR or a future environmental document. No changes to the FEIR are necessary.
BF-127	This comment states that NS/mm-1 should specify the frequency of monitoring required as part of the measure. This measure states that making this determination will be the responsibility of the applicant (which will in turn be reviewed and approved by the County). The measure intentionally allows for flexibility because noise monitoring would vary, such as twice a month in the first six months but once every three years afterwards. The County does not want specific recommendations to be made at this stage as it may limit the effectiveness of the measure. No changes to the FEIR are necessary.
BF-128	This comment states that the compost operation discussion of the Noise section should address the compost operation at its former location as well as on the top deck. The discussion, impacts, and recommended mitigation measures are valid and apply to both locations. As noted above in previous comments, the compost operation has been eliminated from the project description and is not part of the proposed project, including being located on the top deck of the Landfill. However, the applicant is proposing to process green and wood waste throughout the Landfill, including on the top deck. Therefore, the noise evaluation, which took into consideration the processing of compost on the top deck, is now applicable to the processing of green waste from a noise standpoint. The FEIR has been revised to reflect these changes.
BF-129	The commenter is correct that on one day the Leq at Site D was 60 dBA. The FEIR has been revised to reflect this correction.
BF-130	This comment states that the noise reading levels and distances are confusing, similar to comments above. Please refer to the BF-99 response for clarification. It was necessary for the acoustical consultant to use field observations in addition to the "hard data" to determine which noises were Landfill produced. This is evident when one reviews the Lmax measured between the hours of 5 p.m. and 6:59 a.m. At Site D, for example, the highest Lmax during the over-night hours was equal to, or higher than, the Lmax during the day hours on five of the 13 days when monitoring occurred. This indicates that the site is subject to noises other than Landfill produced noise. No changes to the FEIR are necessary.
BF-131	This comment requests that the County provide a response to how and when the applicant's current compost operation-related noise violations will be corrected. As noted above, the compost operation has been eliminated from the project description. The County expects that implementation of AES/mm-1 and -2, the hiring of a County Environmental Monitor, will result

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	in an improved compliance record in respect to future compliance with the project's conditions of approval. No changes to the FEIR are necessary.
BF-132	This comment states there must be a period of time when the noise level is allowed to be exceeded. It is unclear why the commenter would allow an exceedance of the threshold in this case. The Lmax was estimated to be below the significance threshold; nevertheless, the proposed mitigation measures would also reduce the Lmax. No changes to the FEIR are necessary.
BF-133	This comment asks what happens if the noise consultant has erred and an enclosed tub grinder does not reduce noise to below 50 dBA. The comment suggests that if the noise reduction is unsuccessful, a hearing should be required where the applicant would show that they have implemented all that can be done and, if necessary, implement further mitigation measures. The EIR assumes that the enclosure of the tub grinder would be as effective as enclosure of the MRF. The MRF produces noise levels at approximately 46 dB at 300 feet. If the noise reduction is not successful, the County Environmental Monitor would recommend further action to ensure compliance with the measure. If the applicant does not cooperate, the County can recommend a permit revocation be held that would essentially accomplish what the commenter has suggested. No changes to the FEIR are necessary.
BF-134	This comment states that the compost operation should be placed in a building. NS/mm-6 (1) reads: "Enclose the tub grinder and/or the CO . . ." which means "put it in a building." As noted in previous comments, the compost operation has been eliminated from the project description. The FEIR has been revised to reflect this change and mitigation measures providing the recommendation for implementation of aerated static pile or anaerobic digestion have been eliminated as well. No changes to the FEIR are necessary.
BF-135	This comment states that the earthen berm cannot be constructed on the top deck as the footprint of the berm would take away too much of the top deck work area and the berm would exceed the 500-foot elevation height limitation. The berm is still considered a feasible mitigation measure for the top deck as a means of screening the processing of green waste and also reducing noise levels. The processing of green waste will not require the amount of space that the formerly proposed compost operation would have required so the space used by the berm footprint is not a factor. The exceedance of the height limitation will be addressed by the County as part of the land use permit hearing process. No changes to the FEIR are necessary.
BF-136	This comment states that HAZ/mm-9 (which required the applicant to implement ASP or AD composting technology if odor violations continued after re-establishment of the compost operation) should be added to the compost operation noise discussion for secondary impacts. This suggestion is no longer applicable because the compost operation has been eliminated from the applicant's project description. All impacts and mitigation measures associated with the compost operation, including HAZ/mm-9, have also been removed. Thus, no changes to the FEIR are necessary.
BF-137-138	These comments state that the word "may" should be substituted with the word "shall" or "is" in the compost operation noise discussion pertaining to secondary impacts. As noted in the previous response, such comments are no longer applicable because the FEIR has been revised to eliminate the compost operation. All impacts and mitigation measures associated with the compost operation have also been removed. No changes to the FEIR are necessary.

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BF-139	<p>This comment suggests regular noise monitoring for the RRP should be specified as part of NS/mm-8 (which specifies that monitoring should be implemented once the facility is constructed). The commenter suggests that monitoring should be implemented every three years, specifies monitoring locations, and recommends monitoring without the applicant's knowledge. Follow-up monitoring, if the intent of the measure is not initially met, would be implemented as many times as the County Environmental Monitor determines is necessary and from as many locations as deemed necessary, which could be more than every three years. Measures such as NS/mm-8 are intentionally left open-ended so that there is a greater degree of latitude in enforcing and accomplishing the objective of the mitigation measure. No change to the FEIR is necessary.</p>
BF-140	<p>This comment states that loud radios, back-up beepers, and dumping of metal appliances and concrete are not discussed with respect to RRP-related noise. The comment states that mitigation measures should be added requiring these sources of noise to be minimized. The noise section pertaining to the RRP does discuss back-up beepers, concrete, and other dumping activities. NS/mm-8 requires the applicant to enclose the RRP and confirm that noise levels have been reduced. The measure requires follow-up measures be implemented "to meet the County's stationary thresholds." Subsequent noise monitoring is implied. If noise levels change over the long-term or can be reduced by addressing the playing of radios loudly, the issue would be handled by the County Environmental Monitor through their enforcement of NS/mm-8. NS/mm-8 is worded in a manner which would allow the County Environment Monitor to take additional actions (i.e., "As needed if compliance is not met, additional noise attenuation measure shall be installed to meet the County's stationary noise thresholds.") NS/mm-8 has been modified to require loading bins be lined to the extent feasible. The RRP would be at least partially enclosed by implementation measure NS/mm-8. In the event that the enclosure does not reduce noise levels below the threshold, the measure requires subsequent mitigation. This could include full enclosure or a measure such as those suggested by the commenter. No change to the FEIR is necessary.</p>
BF-141	<p>This comment identifies language in the MRF noise discussion as being fuzzy and misleading. The existing berm to the east-southeast of the MRF is an effective noise barrier due to its height and location relative to the MRF. At the closest property line to the MRF, the berm reduces noise by more than the required 9 dB to achieve compliance with the county's 50 dBA Leq standard. Noise measurement Site 5 from the 2010 BBA study was located 175 feet from the southeast corner of the MRF building. No change to the FEIR is necessary.</p>
BF-142	<p>This comment reiterates previous comments with regard to the baseline conditions at the Landfill (e.g., those associated with the operation of the MRF). The comment states that the EIR should take into consideration existing permit conditions of approval that serve to reduce noise. As stated in the response to BF-6, the County, as part of preparation of the staff report for the expansion project, will review all of the existing conditions of approval currently applicable to existing permits (i.e., the MRF) and determine which would be carried forward as part of the issuance of the new land use permit for an approved project. The new land use permit would therefore contain a combination of applicable existing conditions of approval and new conditions of approval (e.g., those derived through the EIR process). No changes to the FEIR are necessary.</p>
BF-143	<p>This comment outlines what is considered to be bias in the noise discussion pertaining to relocation of the scalehouse. The 5 dBA reduction (the minimum reduction provided by a noise barrier) was all that was necessary to reduce the noise levels below applicable</p>

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	thresholds. The section could have noted that the noise berm would reduce noise levels to between 37.6 and 47.6, but that has no effect on the conclusions. This is not evidence of bias and no change to the FEIR is necessary.
BF-144	This comment outlines the benefits of requiring all Landfill trucks to utilize Price Canyon Road and states that such a measure would be feasible and effective. The proposed haul routes are the most efficient means of reaching the Landfill for the haul truck operators. The EIR analysis has shown that the LOS would not be significantly affected. It has also shown that the cumulative contribution of the haul trucks to noise along the route is less than significant. It is unknown what affect routing all south County haul trucks through the City of Pismo Beach would have on LOS in the City limits. No changes to the FEIR are necessary.
BF-145	This comment points to a typographical error regarding consistency between NS/mm-3 and the Noise Element discussion. NS/mm-3 identifies 1,800 feet as the area where residents could be affected by noise and where NS/mm-3 would be applicable. The section of the EIR addressing applicability to the Noise Element notes 1,000 feet. The text of the FEIR which formerly stated 1,000 feet has been revised to reflect 1,800 feet.
BF-146	This comment takes issue with the Noise Element Stationary Noise Reduction Measure "f" because it states that for residences to be subject to mitigation compensation they should be in direct line of sight of the noise source. The line-of-sight aspect of the Noise Element reduction measure is only guidance for the County and was not carried forward into NS/mm-3. As the applicant states, the noise conditions surrounding the site are highly variable and the County considered it simpler to have the measure apply to residences within 1,800 feet that can demonstrate noise levels greater than 50 decibels. No changes to the FEIR are necessary.
BF-147	This comment notes a typographical error that has been corrected in the FEIR.
BF 148-149	These two comments take issue with Noise Element Stationary Noise Reduction Measure "f" by stating that it limits the height of noise barriers and limits the ability of NS/mm-3 to work. It is critical to note that the Noise Element Stationary Noise Reduction Measure discussion has been provided in the EIR to address the measure's feasibility. The language in the discussions of each measure is not intended to be carried forth as a condition of approval in any future land use permits. The measure that is applicable in this case is NS/mm-3. NS/mm-3 does not limit the height of noise barriers nor does it hinder its own feasibility. No changes to the FEIR are necessary.
BF-150	This comment suggests that a condition requiring a County Environmental Monitor as part of a general project manager condition of approval be included in the FEIR. County staff's intention is to implement this suggestion as part of preparation of the staff report. No changes to the FEIR are necessary.
BF-151	This comment requests that a mitigation measure be added to the noise section which requires the applicant to utilize ambient sensitive back-up indicators on all equipment. NS/mm-1 has been amended per this comment to include use of ambient back-up indicators on all heavy equipment.
BF-152	This comment suggests wording revisions to the first paragraph of the Bird Whistle discussion of the Noise Section. The language suggested by the commenter has been included. The conclusions and findings in the FEIR have not changed.

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BF-153	This comment states that a mitigation measure should be added which requires that steel and concrete material must be crushed within two weeks of receipt. Some crushing would occur as part of the material recovery process. Mitigation measures have been recommended, as necessary to address noise from the recovery process. The requested change has no bearing on the analysis or conclusions and would be very challenging to enforce. No changes to the FEIR are necessary.
BF-154	This comment re-iterates mitigation strategy suggestions made as part of Comment BF-123 as well as back-up beeper mitigation suggestions made as part of Comment BF-151. Please refer to responses to these two comments in-lieu of a response to this comment.
BF-155	This comment points out that even though the noise section breaks apart components of the Landfill operation for the sake of analysis, the impacts and mitigation measures found in this section apply to all aspects of the project. As the comment requests, NS/mm-1, -2, -3, and -10 do apply to all aspects of the project. These four measures in particular are also noted in the cumulative impact discussion of the Noise section as being applicable to the entire project. There is no language in these four measures limiting them to only certain aspects of the project. No changes to the FEIR are necessary.
BF-156	This comment describes correspondence between the applicant and the commenter regarding state and federal applicability of back-up beepers on equipment at the Landfill. BBA conducted specific noise measurements to define noise levels from back-up alarms. Measured noise levels were in the range of 52 to 53 dBA at a distance of 1,250 feet. Backup alarms are normally considered intermittent noise sources because their noise levels do not contribute significantly to overall noise levels produced by the heavy equipment to which they are affixed. However, back-up alarms are often distinctly audible due to the character (frequency content) of the sound the alarms emit. NS/mm-1 and NS/mm-8 have been amended so that any noise mitigation plans prepared also address back-up warning devices and suggests that beepers/warning devices be installed which produce the lowest noise levels or use ambient noise sensitive devices, but still allow for safe working conditions at the Landfill. Landfill operations consist of numerous ongoing simultaneous activities that require use of heavy equipment and many employees and members of the public are onsite regularly. Some discretion needs to be provided to the applicant so that any back-up alarm systems minimize noise impacts, but also provide safe conditions for employees and the public. It is not appropriate for the EIR to prescribe a specific beeper type. No changes to the FEIR are necessary.
BF-157	This comment states that the EIR consultant and its team have done a better job on retesting the wells and understanding how they work. No changes to the FEIR are necessary.
BF-158	This comment contests the size of the groundwater basin as characterized in the 2009 DEIR and 2011 RDEIR and states that instead of 1,687 acres, it is 626 acres recharged via 1,101 acres. As the commenter notes, calculations pertaining to how the basin operates require the use of certain assumptions. In estimating basin recharge, conservative assumptions were used to estimate recharge of the groundwater resource in the aquifer and of the regional recharge to the aquifer in the project site's "sub-basin." This was done by using a lower range value of average annual rainfall (9 percent of about 22 inches of average annual rainfall) for the area that becomes deep percolation, derived from regional work by the DWR in the nearby Santa Maria basin. The estimate of average annual recharge advanced in Section K.1.c. of the 2011 RDEIR reflects annual rainfall amounts that vary around a long-term average. As is

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	typical in Southern California, most recharge to groundwater basins occurs during those years when the rainfall greatly exceeds the long-term average, which would create greater fluctuations in water levels in wells. Conversely, during years of below average rainfall, recharge to aquifers may be minimal. Use of water levels in wells to estimate volumes of seasonal recharge (i.e., the specific yield method) requires application of basin-wide estimates of water level and aquifer porosity data. It should be realized that such data are also estimates, and result in uncertainty. For the purposes of the RDEIR, the estimated average annual recharge value of 281 acre-feet per year is considered reasonable and adequately conservative. No changes to the FEIR are necessary.
BF-159	This comment requests information pertaining to water supply analysis conducted in 2008 versus water supply work conducted in 2010. The differences discussed in the text and questioned by the commenter are provided in Appendix G (Technical Memorandum No. 2, Well Pump Test Analysis and Water Demand Audit, page 16). No changes to the FEIR are necessary.
BF-160	This comment notes discrepancies in terms of leachate volume availability. Both the commenter and the applicant have noted the problem and it has been corrected in the EIR. However, it should be noted that the EIR analysis of water supply does not assume that the leachate would not necessarily be available for use. In addition, it has been determined that sufficient groundwater is available to serve the proposed project with removal of the compost operation from the project description. No changes to the FEIR are necessary.
BF-161	This comment states that the RDEIR ignores key factors in determining on-site water supply and then recommends an alternative approach for determining water supply availability. The commenter provides an estimate of 25.4 AFY available using the alternative approach and recommends that it be utilized in the EIR. This amount is essentially the same as used in the EIR, which concludes that there is a reliable onsite supply of approximately 25 AFY of groundwater. No changes to the FEIR are necessary.
BF-162	This comment questions how to account for leachate. The use of leachate recovered at the landfill for dust control is an approved RWQCB use, for which there is documented historical usage. Nonetheless, as discussed in the response to BF-160 above, leachate has not been considered as a component of water supply for the Landfill. No changes to the FEIR are necessary.
BF-163	This comment states that Comment BF-161 is supported by the paragraph noted in the comment. The paragraph is a discussion of violations received by the Landfill from the RWQCB. There is no relationship implied between this violation and well use, nor is the proposed drainage system the same as the existing drainage system. No changes to the FEIR are necessary.
BF-164	This comment documents a Notice of Violation (NOV) issued by the RWQCB subsequent to the publishing of the RDEIR and states that this NOV should be included in the FEIR. As the commenter notes, the situation is "constantly changing." It is infeasible and not required by CEQA for this EIR to provide continuing information regarding the ongoing operation at the Landfill and, with respect to this particular issue, would not change conclusions or findings in the EIR. No changes to the FEIR are necessary.
BF-165	This comment addresses the drawdown previously predicted by the EIR consultant's geohydrologist (Fugro) to occur at the neighboring Gomez well. The comment asks if the

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	<p>predicted drawdown can be projected 5 to 10 years into the future. Regardless of the drawdown predicted to occur at the Gomez well (assuming average pumping rates of the Weir wells for various durations of time), the short-term pumping of the Weir wells did not create an observable drawdown at the Gomez well (see response to Comment CCL/TV-1 above). Extending the (Theis) analysis to a longer duration, as suggested by the commenter, would theoretically create some observable drawdown in the Gomez well but such "interference," as discussed in earlier responses to comments, would not unreasonably impact the use of groundwater in the Gomez well, or other wells in the groundwater basin. No changes to the FEIR are necessary.</p>
BF-166	<p>This comment points out a typographical error associated with WR/mm-2. This measure was formerly recommended as part of a need to limit the Landfill's water use to 25 AFY. However, with removal of the compost operation from the project description, the proposed project would utilize 10.2 AFY and WR/mm-2 is no longer required. WR/mm-2 has been eliminated from the FEIR and no changes to the FEIR are necessary.</p>
BF-167	<p>This comment suggests revisions to WR/mm-2. As outlined in the response to BF-166, WR/mm-2 is no longer recommended due to the removal of the compost operation from the project description. WR/mm-2 has been eliminated from the FEIR and no changes to the FEIR are necessary.</p>
BF-168	<p>This comment states that water use for dust control may increase if the compost operation is re-established due to more stringent dust control measures recommended as part of this EIR. It is true that water use for dust control associated with a compost operation may go up but water use would potentially also decrease as a result of paving internal roads and enclosing the RRP. Water requirements for dust control utilized in the RDEIR are considered accurate. As outlined above, the compost operation has been eliminated from the project description and the water use numbers for the proposed project have decreased from 34.5 AFY to 10.2 AFY (refer to Table V.K.-8). As a result, a projected water surplus of between 14.8 and 22.65 AFY would exist at the project site (refer to Table V.K.-10).</p>
BF-169	<p>This comment takes issue with landscaping requiring irrigation for greater than three years and with oak trees serving as adequate landscape screening. Oak trees are regularly included as part of a screening plan. Screening vegetation does not necessarily need to completely screen the view with vegetation. It needs to screen the view to an extent, but also offers an alternative focus point for the viewer. Oak trees are a good choice for this because they already exist in the local environment. Further, the screening would be used to shield the active operation and to minimize the aesthetic impacts of the "engineered landform" in perpetuity. Thus, the slower growth rate of oak trees, while not ideal, is considered acceptable.</p> <p>Nevertheless, the Aesthetic Resources section notes that the updated landscape plan shall incorporate native and other drought tolerant trees. It may very well be that the plan includes some sycamore and/or pine trees as well. The revised landscaping plan would include more trees than are currently shown and therefore water demand may be higher than shown. However, the conclusion holds that because the plants are drought tolerant, the landscaping irrigation effort would occur well before the Landfill is operating at maximum capacity when water demand is highest. If historical data is any indication, the Landfill may never operate at its peak permitted levels on a regular basis. No changes to the FEIR are necessary.</p>

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BF-170	This comment predicts a situation in the future where, after re-establishment of the compost operation, the ponds would be dry and water supply would be tight due to demand from other activities at the Landfill. As a result, needs such as dust control would take a back seat to the compost operation. As noted above in the response to BF-4, the compost operation has been eliminated from the project description. In the event that water is unavailable to meet demands, the Landfill and public agencies will need to determine appropriate operating procedures and "priority" uses based on public health, safety, and welfare of the community and the neighbors. No changes to the FEIR are necessary.
BF-171	This comment requests a correction to Table V.K.-9. This table has been modified to reflect accurate leachate production rates provided by the commenter and the applicant. It is reasonable to assume that future storage capacity will be similar to existing conditions.
BF-172	This comment notes that ASP and AD may utilize as much water as the former compost operation and that if the compost operation were to be placed in a building it may use less water than it did when out of doors. As noted in multiple comments above, the compost operation has been eliminated from the project description as have related impacts and mitigation measures – measures such as recommending ASP and AD if re-establishment of the compost operation results in further violations. As a result of this change to the project description, further response to this comment is not warranted. No changes to the FEIR are necessary.
BF-173	This comment recommends revisions to the Residual Impact discussion associated with WR Impact 2. As a result of the revisions to the Water Resources section outlined in the response to BF-172, the section the commenter is recommending revisions to is no longer applicable and has been eliminated from the FEIR. No changes to the FEIR are necessary.
BF-174	This comment suggests that the applicant should be required to implement a more frequent reporting of WDR violations that involves a higher level of involvement by the County Department of Planning and Building. The WDR reports and violations are a matter of public record and could be made available to the County Environmental Monitor at any time. The EIR analyzes the proposed detention basins as proposed. In the event that that the RWQCB requires the proposed detention system to be changed substantially, the County would need to determine whether additional permits or environmental review would be required. It is also expected that with the proposed project and the County Environmental Monitor requirement, a higher level of coordination between the County and the RWQCB will occur. No changes to the FEIR are necessary.
BF-175	This comment asks why the County assumes water is available for vineyards to be developed just because a parcel is designated Agriculture and is not being intensively farmed. The commenter also states that "there is no water here," meaning the area of the project site. However, the commenter (Comment BF-158) also suggests that groundwater recharge in the basin is between 184 and 281 AFY. The commenter also suggests (Comment BF-176) that the existing groundwater demand should be reduced by 118 AFY. Using the commenter's suggested numbers, existing groundwater demand is approximately 184 AFY minus 61 AFY (residential and Landfill demands), which suggests at minimum 123 AFY of groundwater is available in the basin. This is 21 acre-feet more than the EIR concludes is available (102 AF). The commenter also states in subsequent comments that no agricultural intensification will ever occur in the basin because no water available. These statements would appear to contradict themselves. By the commenter's own numbers there is currently 123 AFY of water

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	available for use in the basin – enough for 154 acres of vineyards. For purposes of this analysis, the data contained in the FEIR will be utilized, as it has been prepared based upon the best judgment of professionals in the field. No changes to the FEIR are necessary.
BF-176	This comment requests that the EIR provide information regarding where the water is coming from for the 147 acres of vineyards referenced in the cumulative impacts discussion (i.e., identify each well, piping from well locations to vineyards, etc.). It appears that the intent of this request and the comment in general is to show that there is no groundwater in the basin to intensify properties designated agriculture to vineyards (similar to that stated in Comment BF-175 and 177). In response to this comment, please refer to responses to the BF-175 and 177.
BF-177	<p>This comment states that the Agricultural Demand portion of the cumulative water resources discussion is “utterly stupid” and asks why “rice paddies” were not assumed to be a future crop. Pump tests indicate at least 25 AFY is available on the project site and pumping at that rate would have no effect on neighboring wells. 25 AFY equates to approximately 31 acres of vineyard demand. It is unclear why the commenter believes the Landfill is the only site in the vicinity with access to a similar quantity of water. It is reasonable to assume, for example, that wells located west of State Route 227, along Canada de Verde Creek, could produce a similar quantity of water (or more) and supply that water to other parcels in the vicinity of the Landfill. Or as noted, by the commenter, perhaps imported water would be used to supplement groundwater supply within the basin. To suggest that agricultural intensification would never occur seems unreasonable.</p> <p>Based on University of California data, a fully irrigated olive orchard would require approximately 4,744 gallons/acre/day (.015 acre-feet/acre/day). During the dry months of May through September (150 days), an olive orchard would require approximately 2.2 acre feet of irrigation water – with the remainder coming from winter rains. This estimate may be high for the Edna Valley, where the climate is milder. The report also notes that water use can be cut by 40 percent with relatively limited effects on production. In any event, based on this data, olives would potentially require as much water (0.8 AFY) as a vineyard – though it is unknown if the soils or climactic conditions in the groundwater basin are appropriate for olives. There do not appear to be any orchards in the vicinity. See http://ucanr.org/sites/Drought/Agriculture/Crop_Irrigation_Strategies/Olives/. No changes to the FEIR are necessary.</p>
BF-178	This comment notes a typographical error in the title of Figure V.K.-2. This figure has been revised. Wells which were identified during the water analysis as potentially affected by groundwater pumping onsite are shown in Figure V.K.-1.
BF-179	This comment requests that the results of the pump tests be added next to each well shown on Figure V.K-1. The addition of this information to the figure is not required and would not be beneficial from a graphical standpoint. No changes to the FEIR are necessary.
BF-180	This comment request removal of the cross-hatch that indicates potential vineyards for a number of parcels. The underlying soils appear capable of supporting vineyards. Water could come from elsewhere in the basin or from a combination of onsite, imported water, and water in the basin. No changes to the FEIR are necessary.
BF-181	This comment recommends revisions to water demand numbers as they related to the cumulative impact discussion. With removal of the compost operation, the proposed project

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	would increase water demand from 9.3 AFY to 10.2 AFY, a 0.9 AFY increase (refer to Table V.K.-8). The FEIR has been revised to reflect this new number.
BF-182	This comment suggests adding the equivalent acres of rice paddies to the 7 AFY comparison. It does not seem useful to compare the proposed projects water usage to rice paddy water use as there are no rice paddies in the vicinity of the project site. No changes to the FEIR are necessary.

Jim & Margaret Neville
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July 11, 2011

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 EIR for Cold Canyon Landfill Expansion

Dear Mr. McKenzie:

Thank you for the opportunity to voice our concerns about some of the elements included in the Draft EIR for the proposed expansion of the Cold Canyon Landfill facility.

Our major areas of concern with the expansion are the increased hours, noise, water use, traffic, trash and vectors that will directly affect the value and our use of our property. We understand that San Luis Obispo needs a place to put its trash and now that Cold Canyon has purchased the adjacent property they can now expand with the County's approval.

JMN-1

The proposed expansion would increase the hours of the landfill to 15 hours a day. In the past seven years we have made very few complaints about the noise and the only complaints were because we could hear the equipment and/or extremely loud music in our home with all of the windows closed before 8:00 a.m., on a Sunday morning. We can hear the noise from inside our home even with all of the windows closed and that's pretty much constant during regular operating hours. Because we chose to live here, that's a price we've paid, but we know that after about 5:00 p.m., we will enjoy a beautiful quiet night.

JMN-2

The idea that the hours should be increased to 15 hours a day based on the fact that San Luis County seems to be based on old statistics. The main growth in our County has been in North County and they have a landfill. How can the current growth rate ever justify any increase in hours, let alone the increase that Cold Canyon is proposing? Bigger cities in California have landfills that aren't open on Sundays and Cold Canyon already operates seven days a week. Trash production has declined and is expected to keep declining, so why would they need such an increase, those statistics could be argued that they should decrease their hours. An increase in hours would produce noise for what accounts to almost 24/7 of our waking hours at our home. Our friends would like to have their son's rehearsal dinner at

JMN-3

our barn next June. I can't imagine what that will be like with the equipment and other operating noise going on in the background. If the landfill is open at night, then of course it will have to use a lot of energy to be lit for safety reasons. If this is approved, we will be looking at (and hearing) the landfill operations all lit up at night instead of looking at the stars. Using what would account to huge amounts of electricity to light up night operations would certainly not fall into any "green" category. If there does come a time where it is truly justified to have the landfill in San Luis Obispo County run 15 hours a day, they should come back to the County then to request that the hours be increased, not when there is absolutely no basis for the increase now or even the next decade or longer.

JMN-3

The landfill is already enormous and needlessly unsightly. What little mitigation was required by the County to address the issues of exposed dirt and dust have not been enforced from the last approval. Is there actually an option of making a determination whether to use the water for plant coverage or divert it to the composting operation? The well water was measured after two extraordinarily wet years. What will it be like after we have several years of drought? We are concerned that the water will continue to be drained by landfill operations and when the next drought hits, there won't be any water left. Their history of under-reported water usage and failure to deal with the black run off that was obviously polluting the creek, killing the fish and frogs and that ultimately created that environmental "dead zone" does not instill a lot of optimism that this time they will be different. Run-off from the facility goes into our wells and into a seasonal creek that our livestock survive on.

JMN-4

An additional concern is the increased traffic along Highway 227, already a very busy commuter route. I cannot imagine what this road will be like during the commute hours if the increased hours of operation are approved. There will certainly be a tremendous amount of complaints from the many commuters and bicyclists who now travel through every day. The safety of the road will be further compromised with such a huge increase in traffic.

JMN-5

We have never made a formal complaint about the seagulls and other birds that land on our pastures that can transport disease from the trash at the landfill. We have had so many seagulls camped on our property for weeks on end, that friends have joked that we were "raising seagulls" out here, and even though that's actually a pretty funny joke, we do worry how those birds affect the health of our livestock and their water sources. How would Cold Canyon mitigate that?

JMN-6

An additional factor that would result from the expansion is the increase of trash that falls out of trucks along the way. Just three weeks ago I stopped on 227 to pull a thick plastic bag out of a calf's mouth at a neighboring property. It was obvious that the calf picked up the bag from the many bags and litter that was all along the fence line. The calf was only a few weeks old and obviously a pretty terrible sight. I removed the bag from the calf's mouth and picked up the other litter so the calf couldn't ingest anything else that would probably kill it. Cold Canyon is supposed to keep the area free of trash but it is usually completely littered and this is the time where they are on their best behavior, so to speak.

JMN-7

The neighbors have been portrayed by this multimillion dollar company as bullies and that our complaints caused the compost operation to be shut down. Instead of owning their violations and being honest about the real cause of their shut down, their spokesperson went on the local airwaves to blame the neighbors. We have complained less than 1% about any noise, trash, odor or any other issues that we experience on a daily basis and our guess is that's pretty much true for about 90% of the neighbors. We are thankful for the people that are diligent about reporting their complaints because you get an actual picture of what is like to be Cold Canyon's neighbor. It's hard to feel neighborly for a company whose spokesperson blames us for shutting down the composting when they were "clearly" doing it of

JMN-8

their own accord. Tom Martin also said on air in response to a question about water use that, "all of the neighbors have access to the 'sweet water.'" That statement was strange for a variety of reasons, but is also very telling about the company's attitude toward their neighbors and the attitude that they are justified in using any water available because the neighbors we can just go drill -just a few hundred feet down is the part he conveniently left out of that statement. Really strange that someone in Tom's position wouldn't know that drilling for water that deep is prohibitively expensive and a pretty dicey option.

**JMN-8
(cont'd)**

Thank you again for taking the time to consider how this proposed expansion will affect the people who live in Edna valley, the others who travel through every day and the animals that live here. We know that the County is working very hard on this project and we do appreciate all of your work.

JMN-9

Very truly yours,

Jim & Margaret Neville

**Response to Letter from James and Margaret Neville,
dated July 11, 2011**

Comment No.	Response
JMN-1	This comment states that the major areas of concern are increased hours, noise, water use, traffic, trash, and vectors that will directly affect the value and use of the commenter's property. The issues listed above have been evaluated in the 2009 DEIR, 2001 REIR, and are included in their revised form in this FEIR. With respect to property value and use of property, please refer to Section XI.E, Quality of Life, and XI.F, Property Values. No changes to the FEIR are necessary.
JMN-2	This comment outlines the noise issues experienced from the commenter's property and acknowledges that they've accepted this as part of living in this location; however, with the expanded hours of operation, noise would continue past 5 p.m. The EIR has concluded that operational noise impacts resulting from the proposed project would be significant and unavoidable, and mitigation measures have been recommended to reduce impacts, to the extent feasible. It should be noted that the significant impacts are not a function of the proposed increased hours of operation but rather the expansion of the facilities and movement of the Landfill further to the south over time. No changes to the FEIR are necessary.
JMN-3	This comment states that the proposal made by the applicant to increase hours of operation seem to be based on old statistics, that there does not seem to be a basis for the increase in hours, and that operation at night by the Landfill would use large amounts of electricity and energy (the MRF being the primary component of the Landfill being proposed to operate during nighttime hours – i.e., until 10:00 p.m.). The EIR is required to evaluate what the applicant proposes even if the proposal seems not to be justified or warranted and in this case is required to evaluate impacts from the proposed hours of operation. The project would result in significant unavoidable noise impacts, however these are not a result of the hours of operation. No changes to the FEIR are necessary.
JMN-4	This comment states that the "landfill is already enormous and needlessly unsightly", that there have been challenges with enforcing existing conditions of approval, that there is concern there is not enough groundwater to support the project, and that the project has created a dead zone downstream due to black runoff. The FEIR contains measures to address the aesthetic impacts of the project (e.g., AES/mm-3), however the project would still result in significant unavoidable adverse aesthetic impacts. The project, with elimination of the compost operation, is projected to utilize approximately 10.2 AFY, well below the project sustainable supply of groundwater at the Landfill (i.e., approximately 25 AFY). Runoff from the project site is tightly monitored, regulated, and enforced by the RWQCB's implementation of the Waste Discharge Requirements for the Landfill. With respect to enforcement, the County is requiring the applicant to fund the retention of a County-qualified Environmental Monitor to oversee the applicant's implementation of conditions of approval. No changes to the FEIR are necessary.
JMN-5	This comment states that there is concern over the increase in traffic that would result from the proposed project and that further compromising of safety along State Route 227. After evaluation of the roadway, intersection, and safety impacts, Section V.J., Transportation and Circulation determined that impacts would be less than significant. No changes to the FEIR are necessary.
JMN-6	This comment asks how the applicant can better control the seagull population and the potential for the birds to spread disease. Controlling the bird population has been a continual challenge for the Landfill. The issue is considered in the EIR and mitigation measures recommended (refer to Section V.H.5.e., Hazards and Hazardous Materials, HAZ/mm-3 and 4). A falcon/hawk program

Comment No.	Response
	has been used with varying success in recent years to control birds. No changes to the FEIR are necessary.
JMN-7	This comment states that with the expansion would come an increase in trash. The EIR concludes that fugitive trash from the Landfill is a significant and unavoidable impact (refer to Section V.H.5.c., Hazards and Hazardous Materials, HAZ/mm-1 and 2). It does however also recommend a more substantial litter removal program than is currently in place now. No changes to the FEIR are necessary.
JMN-8	This comment describes the commenter's feelings with regard to how the applicant is portraying the neighbors on the radio as bullies, the reasons for the neighbor's complaints, and that it's difficult to understand why applicant would act this way. Because this comment outlines a person's feelings about the situation between the neighbors and the Landfill it does not warrant a response. However, the commenter will be able to express these same sentiments to the County decision-making bodies who will be reviewing the project. No changes to the FEIR are necessary.
JMN-9	This comment thanks the County for the opportunity to review the REIR and acknowledges the County is working hard on the document. It is the County's intention to prepare an EIR which evaluates the proposed project's potential impacts and recommends mitigation measures that would reduce those impacts to a less than significant level, to the extent feasible. No changes to the FEIR are necessary.