

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

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.

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

**#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. Hacket's comments at the revocation hearing been omitted from the RDEIR?

If you view the County's Revocation Hearing video tape, which is missing from the RDEIR: time stamp of 04:49:00 – Mr. Hacket (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.

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.

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

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**

CalRecycle  
**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
X	Regulations
	20690 - Alternative Daily Cover
	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.

**#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.

**#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.**

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.

**#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!**

**#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.

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

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

**#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.

**#4 – Comment 3: 3<sup>rd</sup> 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.

**#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

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.

**#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.”

**#5 I. INTRODUCTION C. PURPOSE OF THE RECIRCULATED DRAFT EIR pgi-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.

**#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.

**#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.

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

**#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.

**#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.”

**#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.

**#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.

**#7 – Comment 3:** 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.(see AttachmentB):

### **#8 III. PROJECT DESCRIPTION / B. PROJECT LOCATION**

First sentence: “The proposed project is located at 2268 Carpenter Canyon Road.”

#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:

#### Postclosure End Use

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.

**#8 – Comment 3:** In 1991 the County also made the promise and commitment to the community when they 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.

**#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.

**#8 – Comment 5:** What is the definition of semi- rural? This area does not consist of 1-acre lots with custom homes.

**#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 why the Carpenter canyon location is wrong. The proposed project should move next to the Oilfield; not next to Edna Valley’s wetlands.

### **#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)

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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:

- (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.

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.

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.*

**#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.

**#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:

- 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.

**#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. **New Condition** - Applicant shall fund all Cal Trans maintenance and repair work for Hwy 227 (from the Airport to Arroyo Grande).

**#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.)

**#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.

**#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.

**PG III- 2 Some waste from northern Santa Barbara County is also accepted at the Landfill.**

**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.**

**#9 – Comment 21:** **new condition** - Stop taking in waste from Santa Barbara.

**#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?

**#9 – Comment 23:** **new condition** - CCL proposed project will only 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). **New condition** - 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.

**#9 – Comment 24:** Change the following comment “Existing and proposed Daily tonnage increase is not expected to result from any changes in the landfill service area.” How about saying the “Existing and proposed Daily tonnage increase WILL NOT result in any service area changes.”

**#10 1. Existing Operations**

The existing operations at the Landfill can be classified into one of five categories:

**#10 – Comment 1:** What are “Support Activities”?

**#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):

- 1) Disposal Area (or, Permanent Disposal Area)
- 2) Resource Recovery Park
- 3) Compost Operation
- 4) Materials Recovery Facility
- 5) Support Activities

**#11 a. Disposal Area pg III-9**

**#11 – Comment 1:** Change the configuration of how the landfill constructs the series of modules. **new condition** - 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.

**#11 – Comment 2:** **new condition** 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.

**#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.

**#11 – Comment 4:** **new condition** Applicant shall not Stockpiled soil that is viable to the public and neighbors properties and homes.

**#11 – Comment 5:** **new condition** Applicant shall not Stockpiled concrete that is viable to the public and neighbors properties and homes.

**#11 – Comment 6:** **new condition** 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.

**#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.

**#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.”

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

**#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.

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

Chicago Grade

	Monday through Friday	Saturday	Sunday
<b>Open to Public &amp; Commercial Haulers</b>	7:30 a.m. - 3:00 p.m.	7:30 a.m. - 3:00 p.m.	9:00 a.m. - 3:00 p.m.
<b>Facility Waste Staff Hours</b>	7:00 a.m. - 6:00 p.m.	7:00 a.m. - 6:00 p.m.	7:00 a.m. - 6:00 p.m.
<b>Facility Recycle Staff Hours</b>	6:00 a.m. - 6:00 p.m.	6:00 a.m. - 6:00 p.m.	6:00 a.m. - 6:00 p.m.
<b>Transfer Trailers</b>	7:00 a.m. - 5:30 p.m.	7:00 a.m. - 5:30 p.m.	CLOSED TO TRANSFER TRAILERS
<b>Household Hazardous Waste</b>	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 (New Year's Day, Memorial Day, Independence Day, Labor Day, day after Thanksgiving and Christmas Day.) Hours of operation for the facility (including hours open to public and commercial haulers, and working hours for facility staff) are as indicated above.

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, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**#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.

**#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.

**#12 – Comment 8-** What does "would not involve significant weekend processing" 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."

**#12 – Comment 9-** Do not allow any CO and MRF weekend processing.

**#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.

**#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.

**#12 – Comment 12 New condition** – 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: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**#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.

**#12 – Comment 14** Increasing the hours will just increase the traffic. Do not increase the hours of any landfill operations.

### **#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.

**#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.

**#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.

**#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.

**#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).

**#13 – Comment 6:** CHP office will also be responsible for regulating the number of commercial haulers allowed to come in to the landfill.

**#13 – Comment 7:** Applicant shall fund a CHP officer to monitor the trucks traveling on 227 during open operational hours.

**#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.

**#13 – Comment 9:** Applicant shall be required to pick up trash on Noyes rd.

**#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.

**#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.

#### **#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.

**#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.

**#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.

**#14 – Comment 4:** There is NO one time payout for noise. Applicant shall keep funding until the noise is mitigated.

**#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.

## **#15 Disease Vector**

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

## **#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

**#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.

Sincerely,

Sue and Bill Barone