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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

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)
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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 through 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 fenceline 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 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-1, 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-1, 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

around looking for something that doesn't exist. CCL has most to the neighbor's emails, so this is not an inconvenience. With regards to CCL scheduling a firm pickup date, say the 13th of the month, a provision should be added that allows the neighbors to complain at other times and the landfill staff will respond within 3 business days to pick it up.

55. HAZ-mm-2, page V-186, Litter Control Plan, point b; Issues of Trespass. Some neighbors do not want to allow CCL personnel unfettered access to their property. There is no law or requirement to allow this. Under the previous manager, he specifically made it a point that he would not go on another's property without their express condition and supervision, which is a wise and admirable position to take. However, the plastic bags still blow onto the neighbors trees and as the EIR points out that as the modules move south and closer to other property lines, it will be more and more the case. To solve this problem as a mediator, I suggest that a mitigation measure be put in place that if the landowner does not want CCL's employees on the property, that he be allowed to use an outside person to remove the trash on a bi-monthly basis at CCL's expense, however the extent of the removal, the policing, the cost, and the reasonableness shall be determined by the County Monitor.

56. HAZ-mm-2, page V-186, Litter Control Plan, point c; litter control fences. The current fencing to provide this service under the existing permit is a barbed wire fence, serving a double purpose, litter control and for cattle. Neighbors have suggested that the fencing be placed 30' from the property boundary and it is a chain link fence with green or brown colored slats. This is required by the County elsewhere for camouflage.

57. HAZ-mm-2, page V-186, Litter Control Plan, point c; litter control pickup on fences. Permit D860156:A condition A-23 & permit #D960087B, condition 8 requires the landfill to check the fences on a daily basis; this has been omitted from this RDEIR but needs to be included. It gave the current condition witnessed today.

58. HAZ-mm-2, page V-187, Litter Control Plan, point h; inclusion of a map. It would be helpful to add a map here showing the roads to be included within the 5 mile radius. Also, this only applies to "truck operator-based refuse". How is that proved? How does a neighbor prove that it is or how does the landfill prove that it is not "truck operator-based refuse"?

59. Disease and Animal Vectors, page V-187, increase in compost materials. The first line should be corrected. There will be no increase in compost materials.

60. Disease and Animal Vectors, page V-188, Birds, first paragraph, birds strikes. The paragraph states that in the last 20 years there have been 49 bird strike incidents reported at the SLO airport. What needs to be added here is either a table or a grouping in 3-5 year increments of the number of strikes. What this may show is a trend, have strikes increased over the last few years with an increase in population, have they decreased since AA and Delta pulled out, etc. In addition, a plot like a wind rose showing the direction and distance of each of the strikes from the airport will be helpful. It will set the base information to make the determination under HAZ/mm-4 if the strikes have increased by the filling operation. The same information is required under HAZ/mm-4, so the baseline should be set now.

61. Disease and Animal Vectors, page V-188, Birds, second paragraph, 4th line down, sentence starting with "Currently, falcons". The sentence should read "Currently, falcons and hawks...".

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 falcon 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.

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.

86. HAZ/mm-11, Compost Monitoring, page V-198, Applies to All Operations. As stated before, this should be a condition that does not just apply to the compost operation; it needs to be applied to all conditions on all issues. What happens if the composting is not restarted? In addition, the monitor should start work upon issuance of this permit.

87. HAZ/mm-11, Compost Monitoring, page V-198, point b.ii, Phone Number Distribution. The phone number should be provided via email or mail to all residents within 1.5 miles of the landfill's property boundary and it should be reissued annually. This can be done in conjunction with all of the other notifications like trash pick-up days, so it is not an inconvenience or more work.

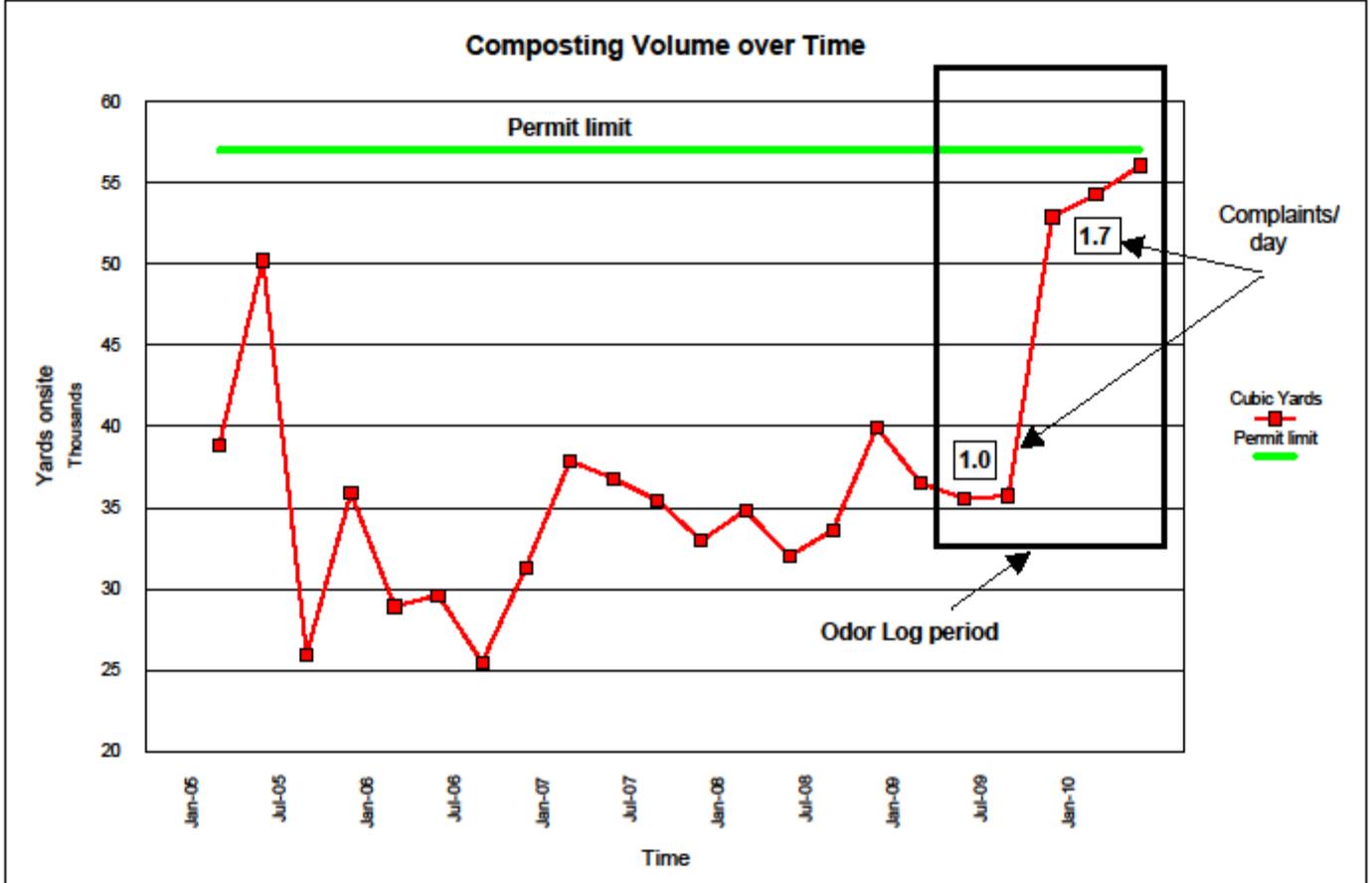
88. HAZ/mm-11, Compost Monitoring, page V-198, point b.iii, Response Days. It needs to set out clearly that the complaint response is available 7 days/week. If not available all days, then the landfill operations should be curtailed during the time the monitor is not on call.

89. HAZ/mm-11, Compost Monitoring, page V-198, point b.iii, Time for Response. Please add the clarification that the one hour response is "from the time the initial complaint is made". Otherwise, I have seen situations where the phone answering service doesn't forward the message for period of time and the situation has changed.

90. HAZ/mm-11, Compost Monitoring, page V-198, point b.vi, Other Agencies. Will the Monitor's observance of the violation satisfy the RWQCB, CalRecycle, and the APCD of the violation? The main problem is getting someone out for verification. Again, in the Events Ordinance, the Sherriff is considered acceptable to document the violation. Will this monitor fit that same function with the same authority? If not, this 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*).

91. HAZ/mm-12, Compost Operation, PC Review, page V-199. This has that only the Compost Operation has a PC review hearing. The PC review hearing should apply to all aspects of this permit because it is so extensive, not just composting. If the applicant is operating under the terms and in compliance with the permit, then it will be a very short hearing. Only if there is non-compliance does it become a real hearing. What happens if the compost operation is never started up? As it is now the proposed conditions require it to start as an ASP process, which by itself needs its own EIR and hearing, albeit much shorter than this RDEIR and DEIR. Then no hearing? That is not right; many comments were towards the MRF and the landfiling. Having a PC hearing on all aspects is necessary to satisfy CEQA's requirements that the "mitigation measures must be enforceable and feasible". It is the follow-up of how those conditions work.

92. HAZ/mm-12, PC Review, page V-199, one hearing in 12 months. The composting will increase volume with time. Contrary to the statements in the RDEIR that there is no correlation between volume of composting material and odor complaints, as the neighbors demonstrated at the revocation hearing, we can show that there is a correlation between the volume of material taken in and the number of complaints. Please see the plot below. The number of odor complaints increased by 70% with about a 60% increase in composting volume onsite. Therefore, if the composting starts out at 25 TPD, and remains that way for a year, similar to its operation from 1999 until 2004, then the hearing will not be able to judge the success or failure of the conditions. The follow-up hearing needs to be not only one year after startup, but every 3 years later as the volumes and techniques for mitigating odors and other issues develop. After all, we are talking about a 30 or 40 year operation here. Forty years ago, personal computers did not even exist; neither did cell phones but pet rocks



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 publically 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 is 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 of 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 ¼ to ½ 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 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 ½ 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 shown 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.

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 Trindade, 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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Regulations (Standards - 29 CFR)
Motor vehicles. - 1926.601

[Regulations \(Standards - 29 CFR\) - Table of Contents](#)

- **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)

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.

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.

 [Next Standard \(1926.602\)](#)

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Regulations (Standards - 29 CFR)

Material handling equipment. - 1926.602[← Regulations \(Standards - 29 CFR\) - Table of Contents](#)

• Part Number:	1926
• Part Title:	Safety and Health Regulations for Construction
• Subpart:	O
• Subpart Title:	Motor Vehicles, Mechanized Equipment, and Marine Operations
• Standard Number:	<u>1926.602</u>
• 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)

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)

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)

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

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 B56.1-1969, 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 B56.1-1969, 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]

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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,

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\(a\)\(9\)\(ii\)](#)

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 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:

§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, 1998 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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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).

← Standard Interpretations - Table of Contents

• **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.

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. Witt, Director
Directorate of Construction

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Standard Interpretations

11/03/1998 - Requirements for back-up alarms on construction vehicles.

← [Standard Interpretations - Table of Contents](#)

• **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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OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

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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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ECCO: Smart Alarm 500 Series - (Part#: SA951)

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DB(a): 77-97

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Features:

Compact Size and universal mounting pattern location options.

Self Grounding.

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Listens for 0.4 Seconds (to know where to set it's volume)

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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
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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

COLD • CANYON • LANDFILL

“Leading the way to a cleaner tomorrow”

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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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.

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Date: July 16, 2010

Attn: ***Martin Fletcher***
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: First 2010 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: *Lacy Ballard*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2010*

Type of Report (bold): Monthly Quarterly **Semi-Annual** Annual

Monitoring Period(s) (bold): **1st** **2nd** **3rd** **4th**

Any Violation(s) or Non-compliance? (place an X by the appropriate choice):

No _____

Yes X

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

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.

COLD • CANYON • LANDFILL

“Leading the way to a cleaner tomorrow”

Date: January 31, 2011

Attn: ***Martin Fletcher***
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Second 2010 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: *Lacy Ballard*
Title: *District Landfill Manager*
Phone Number: *(805) 549-8363*

WDR Order Number: *R3-2002-0065*

Monitoring Year: *2010*

Type of Report (bold): Monthly Quarterly **Semi-Annual** **Annual**

Monitoring Period(s) (bold): 1st 2nd 3rd 4th

Any Violation(s) or Non-compliance? (place an X by the appropriate choice):

No _____

Yes X

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 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

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

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

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

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. Stephnie 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



Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL COAST WATER BOARD ACTIVE LANDFILL INSPECTION

CIWRS BB

4-11-11
DATABASE ENTRY/ DATE:
SENIOR REVIEW INITIALS:
PAPERLESS OFFICE PLACE NO.: 215079

FACILITY: Cold Canyon Landfill WDD#: 3400310001
 ADDRESS: 2269 Carpenter Canyon DATE: 3/29/2011
 CONTACT NAME: Lacy Ballard EMAIL: LacyB@wastecoconnections.com
 FACILITY PHONE #: (805) 549-8636 INSPECTOR: Martin Fletcher (Joint Inspection with CalRecycle)
 ATTENDEES: Lacy Ballard, Randy Friedlander (CalRecycle)

I= INSPECTED V= VIOLATION A=AREA OF CONCERN N/A= NOT APPLICABLE

	I	V	A	N/A
CLASS II LANDFILLS				X
20200 - NO FREE LIQUIDS				
20250 - FLOOD PREVENTION				
20250 - TIDAL WAVE PREPAREDNESS				V
CLASS III LANDFILLS				
20200 - NO LIQUID OR SEMISOLID WASTE	X			
20220 - DEWATERED SLUDGE				X
20220 - ASH				X
20260 - 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				V
LEACHATE COLLECTION AND REMOVAL SYSTEM				
20340 - LEACHATE HEIGHT			X	
20340 - DISPOSAL OF LEACHATE	X			
20340 - MONITORING	X			
20340 - CONTAINMENT <i>turn 1/2 full</i>			X	
20340 - PUMPS AND LINES	X			
PRECIPITATION AND DRAINAGE CONTROL				
20365 - COLLECTED PRECIPITATION/ LEACHATE (1)(2)(3)		X		
20365 - PERFORMANCE / MAINTENANCE (1)(2)(3)(4)		X		
20365 - CAPACITY (1)(2)(4)		X		
20365 - RUN ON DIVERSION	X			
20365 - RESISTANT TO EROSION		X		
20365 - STORM DESIGN (1)(2)(3)(5)			X	

	I	V	A	N/A
REQUIREMENTS FOR SURFACE IMPOUNDMENTS				X
20375 - FREEBOARD				
20375 - OPERATION PLAN				
20375 - FAIL - SAFE				
20375 - SCOUR PROTECTION				
20375 - WEEKLY LINER INSPECTION				V
GROUNDWATER				
20415 - MONITORING WELL PERFORMANCE / CONDITION				X
SURFACE WATER				
20415 - MONITORING WELLS LOCATION / POSITION	X			
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/ TOXIC LEACHATE TO STATE WATERS		X		
DISCHARGE WITHIN 50 FEET OF THE PROPERTY LINE	X			
DISCHARGE WITHIN 100 FT OF SURFACE WATER OR DOMESTIC WELL	X			
LEACHATE SEEPS (1)(2)		X		
NUISANCE ODORS	X			
FLOATING, SUSPENDED, OR DEPOSITED MACROSCOPIC PM (1)(2)(3)			X	
FOAM <i>Non observed low flow</i>	X			
INCREASES IN BOTTOM LEVELS OR AQUATIC GROWTH (1)(2)(3)			X	
ADVERSE CHANGE IN WATER APPEARANCE (1)(2)(3)	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 (5)		X		
INERT WASTE OUTSIDE COMPOSITE LINER ONLY				X
CORRECTIVE ACTIONS <i>immediate soil containment</i>		X		
SPECIAL WASTES				X
ASBESTOS	X			
WET WEATHER				
VEGETATION PLANTED AND MAINTAINED <i>Newer slopes</i>		X		X
CORRECT GRADING OF LANDFILL SURFACES AND WORKING FACES (3)(4)		X		
RILLS <i>minor rills observed</i>	X			
DRAINAGE FACILITIES		X		
STORAGE FACILITIES		X		
PREPARED WET WEATHER DECK	X			
EROSION CONTROL (5)				X
ACTIVE FACE	X			
OTHER				
STORMWATER CHECKLIST				X
COMPOST OPERATIONS <i>suspended</i>	X			
ATTACHED PHOTOS / MAP				
ENFORCEMENT				
<i>Verbal - contain seeps</i>				
<i>Sample discharge</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 ponded and/or dry stored seeps observed along active LF drainages. 3) Several tea color 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 (outflow approx 1-3 gpm). Discharge is light tea brown with minimal suspended sediment. 5) Active/Inactive LF bench drainage area includes liners except for closed area and one active LF bench and associated down drain collectors. Discussed 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: *Martin Fletcher* DATE: 3/29/2011



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.)



Photo 3 – Main Sediment Retention Pond Discharge: Discharge from the main sediment retention pond had a light brown tint with very minimal suspended sediment.



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.)



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.)



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.)



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.



Photo 13, 14, & 15 – Landfill Bench Above the Interior Holding Pond: Most benches continue to be unlined and have eroded drainageways. Poned 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.

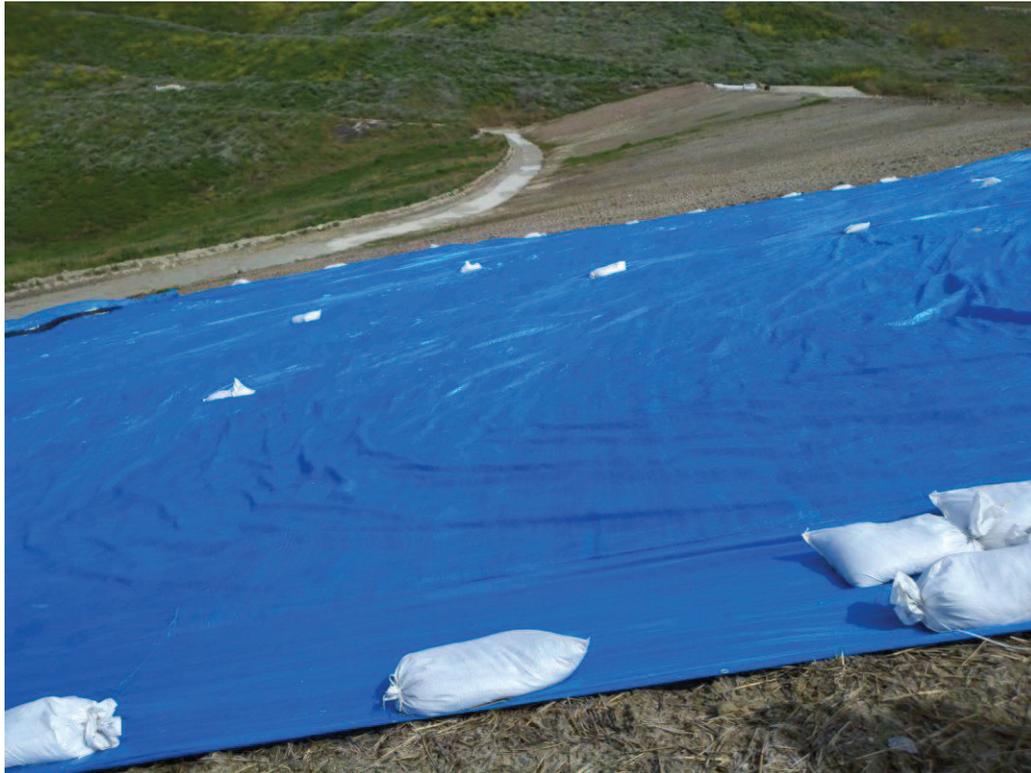


Photo 16 – First Bench Above the Scalehouse: GCL matting implemented on the bench below this slope as an interim liner for drainage. Despite slope erosion controls, efforts sediment has built up on the GCL. Landfill staff intend to modify their implementation of the GCL and will continue to evaluate 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.



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.



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.



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.



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.



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.



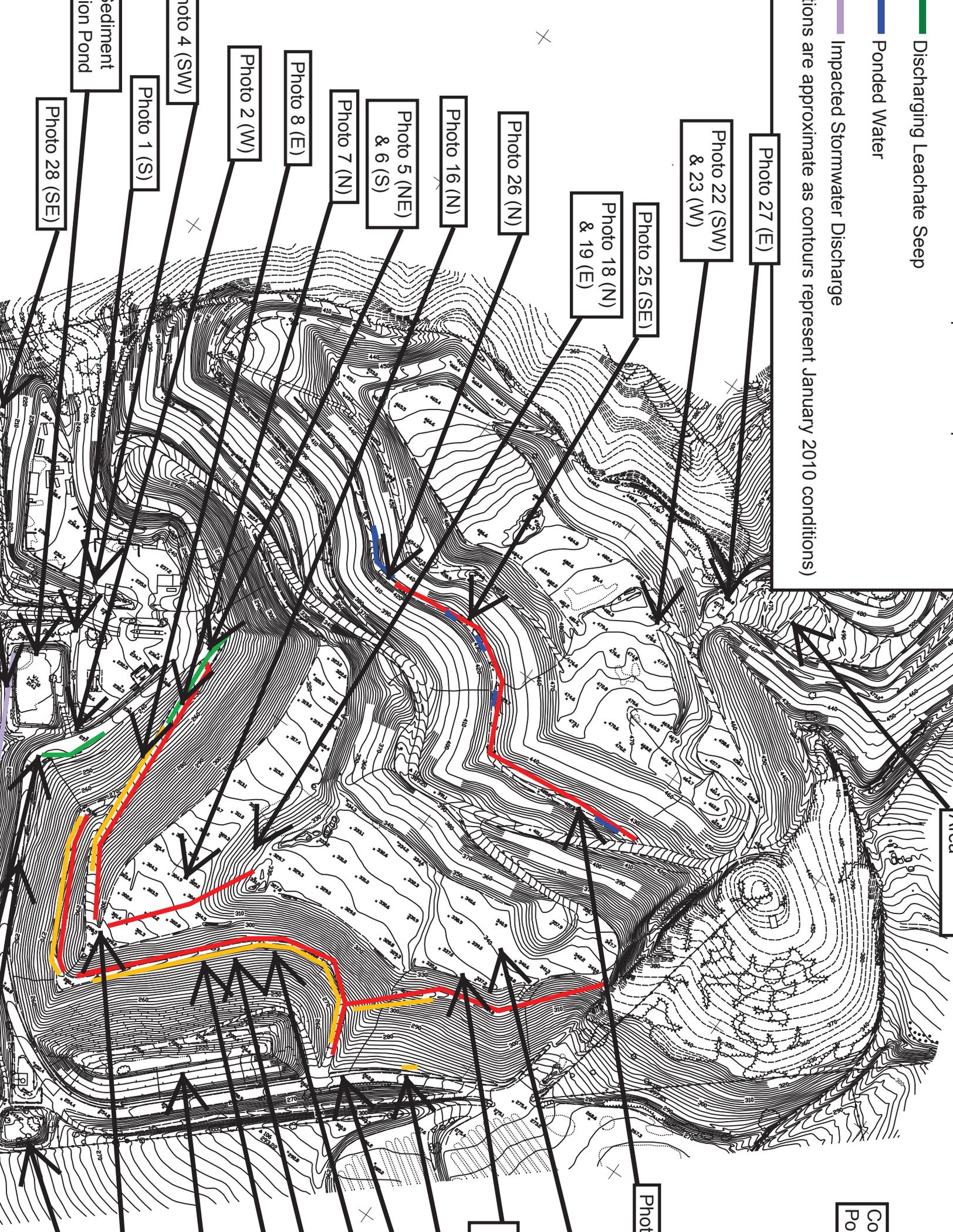
Photo 28 – Slopes below Waste Diversion/Public Drop Off Area: Sediment controls require maintenance and have not been cleaned out since last inspection on March 21, 2011. Instructed landfill staff to more promptly maintain sediment controls, although preventing and/or containing seeps is a higher priority.

Discharging Leachate Seep

Ponded Water

Impacted Stormwater Discharge

Contours are approximate as contours represent January 2010 conditions



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Po

Phot

Cold Canyon Landfill Offsite Conveyance Map

