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

TOXIC CHEMICAL RELEASE

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

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

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

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

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

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

COMPOST EMISSIONS

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

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

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

HEALTH RISK ASSESSMENT DRAFT REPORTS

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

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

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

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

COUNTY AGENCIES

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

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

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

NOISE

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

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

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

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

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

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

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

OMISSIONS

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

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

ESCROW ACCOUNT

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

CONCLUSIONS

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

Sincerely,

Jon A. Hoffmann
Registered Professional Engineer
State of California