

**Department of the Army
Los Angeles District, U.S. Army Corps of Engineers
Regulatory Division
Attn: Shanti Abichandani Santulli
5900 La Place Court, Suite 100
Carlsbad, Ca. 92008**

October 22, 2015

**VIA REGULAR MAIL AND EMAIL: <mailto:ailto:gregorycanyoneis-spl@usace.army.mil>
Re: Public Notice/Application No.: SPL-2010-00354-SAS
Project: Gregory Canyon Landfill**

Dear Ms. Santulli:

Thank you very much for the opportunity to comment on the above-referenced application for permit regarding the Gregory Canyon Landfill.

Last night, the City Council of Oceanside voted to oppose the Gregory Canyon Landfill and to submit our city's comments via this letter. Except for a brief period, the City of Oceanside has been opposed to the siting of a landfill adjacent to the San Luis Rey River and aquifer – a critical and non-replaceable source of the city's water – since 1990. While currently supplying approximately 20% of the city's water needs, these invaluable resources have become even more critical in recent years, including significant mitigation within the river for habitat and endangered species, from the eastern border of the city to the coast.

While the project has not been in the city's and public's interests, on April 15, 2013 the City provided comments on the December 12, 2012 Draft Environmental Impact Statement (DEIS) for the proposed Gregory Canyon Landfill (Proposed Project). Oceanside hereby incorporates by reference those comments and restates and supplements its comments as provided herein. We request these comments and referenced items be placed in the administrative record for the Proposed Project.

In connection with the ACE's consideration of the Application for Permit for the Proposed Project, Oceanside respectfully requests the ACE determine a Supplemental Draft Environmental Impact Statement (SDEIS) is required prior to consideration of the Application for Permit. The reasons supporting Oceanside's request are stated below.

The primary reason a SDEIS is not only appropriate but required to enable comprehensive environmental review of the Proposed Project is because much of the information, data and analyses included in or relied upon for preparation of the December 2012 DEIS is at least nearly three years old and some of the information and projections in the DEIS is now several years old. Also, background conditions and circumstances upon which the DEIR

was based have changed. Dated information and projections, and changed conditions and circumstances include but are not limited to¹:

1. Landfill capacity availability and projections within the “wasteshed” addressed in the December 2012 DEIS “Needs Assessment” are now substantially different than estimated at that time (there is less landfill demand than known and projected in 2012). Consequently, the “Needs Assessment” information in the December 2012 DEIS is inaccurate.
2. AB 1594 and AB 1826, signed into law in 2014 after preparation of the December 2012 DEIS, will have the effect of reducing the amount of waste disposed in landfills such as the Proposed Project.
3. The combination of substantially reduced landfill capacity needs and reduction in waste deposited in landfills due to evolving State environmental policies means existing and projected conditions relied upon in the December 2012 DEIS have changed and consequently a SDEIS is required using current information and projections.
4. On September 16, 2014, a compendium of Bills were signed into State law collectively known as the Sustainable Groundwater Management Act (SGMA).² In connection with the SGMA, the California Department of Water Resources has designated the San Luis Rey Valley as a Medium Priority Basin for purposes of addressing groundwater production and water quality conditions³. A SDEIS is required to evaluate the impact of the SGMA with respect to the Proposed Project.
5. Currently, Oceanside relies on the Mission Basin Groundwater Purification Facility for approximately 15% of its potable water supply. The Purification Facility, which is directly in the downstream path of the Proposed Project, is an increasingly critical supply source that will be expanded as the availability of local and imported supplies decreases due to drought conditions and related Statewide and regional impacts on the availability of imported water supplies to San Diego County. Any proposed mitigation measures with respect to the loss of Oceanside’s or others’ water supplies due to the Proposed Project may now and in the future be inadequate because of the unavailability of imported or other backup water supplies. A SDEIS is required to evaluate the Proposed Project’s potential impact on increasingly critical local water supplies, including the Purification Facility.
6. In addition to the foregoing, a SDEIS is required to address “essential items” listed in the ACE’s January 21, 2014 letter to Gregory Canyon Ltd. This includes and should also include: i) the impact of using potentially contaminated groundwater for the Proposed Project pumped from the Proposed Project’s point-of-compliance groundwater monitoring wells; ii) effect of stormwater run-on in the canyon prior to construction of

¹ Documents supporting the enumerated reasons why an SDEIS is required have been provided to the ACE in connection with the Proposed Project.

² The Sustainable Groundwater Management Act continues to be augmented/amended with new legislation signed into law in 2015.

³ Use of the term “groundwater” in the context of the SGMA does not address or change SWRCB jurisdiction of surface/subsurface waters.

the perimeter drainage system; iii) impacts of pumping groundwater on the Proposed Project site taking into consideration the amount of water that can be pumped to avoid overdraft using an accurate average rainfall projection; iv) an analysis of the impacts of blasting on the San Diego County Water Authority regional water importation pipelines. As indicated above, ongoing drought conditions coupled with increasingly regulated imported water supply conditions heightens the importance of maintaining the integrity of the pipelines of critical importance to all of San Diego County; and, v) status and evaluation of the Compensatory Mitigation Plan involving the Regional Water Quality Control Board that addresses impacts of the Proposed Project on waters of the United States and waters of the State pursuant to the Regional Board's Section 401 water quality certification process.

7. The San Luis Rey flood control project, led by the Army Corp of Engineers in combination with the City of Oceanside, has invested over \$103 million to provide adequate flood control for the community. Within the San Luis Rey River project site and the lower reaches of the San Luis Rey River, there exists five endangered species and three listed habitats that provide nesting opportunities for the endangered species including the least Bell's vireo, southwestern willow flycatcher and arroyo southwestern toad. Mitigation for the flood control project is unique because the majority of it is actually provided within the project site, i.e. flood control channel and project area. If water quality in the San Luis Rey River were adversely impacted by a landfill, millions of dollars spent by the City of Oceanside and others in mitigation and species conservation could be destroyed, requiring the expenditure of significant additional funds. Furthermore, the San Luis Rey River is considered important to the recovery of the Southern Steelhead trout and needed flood control, both between the coast and the spawning headwaters of the Steelhead.
8. The San Luis Rey River mouth and beach are listed in the San Diego Regional Water Quality Control Board's resolution for maximum allowable "Bacteria Total Maximum Daily Load" ("TMDL"), which establishes strict limits on the amount of bacteria allowed at several beaches and creeks. The City of Oceanside's plan to reduce bacteria to below acceptable levels (i.e., the city's "Comprehensive Load Reduction Plan") has a 20 year compliance timeline. Based on the technical analysis presented in the CLRP, compliance costs for the City of Oceanside are estimated between \$30 million to \$85 million over the remaining 15 years of the 20 year TMDL compliance period. The state does not provide any funding to local governments to comply with these required bacteria levels. A landfill sited up-river would significantly interfere with the city's ability to bring bacteria to acceptable levels, which would then require additional funding and/or significant penalties for failure to comply.

In summary, a SDEIS for public review and comment is required to address substantial changes in information and projections, and changed conditions that have occurred since the time of the December 2012 DEIS, much of which included material and critically important information available or prepared before that date.

The City of Oceanside appreciates your consideration of these comments and desires to work cooperatively with the Army Corps of Engineers in connection with the Proposed Project. Please contact Michelle Skaggs Lawrence, City Manager, at 760-435-3072 if you need additional information.

Sincerely,



Jim Wood
Mayor

Attachments