GARY W. ERBECK
DIRECTOR

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DECISION ON REVISED FINAL ENVIRONMENTAL IMPACT REPORT FOR GREGORY CANYON LANDFILL

The County of San Diego's Solid Waste Local Enforcement Agency (LEA) in the Department of Environmental Health is the lead agency under the California Environmental Quality Act (CEQA) for the proposed Gregory Canyon Landfill. As the Director of the LEA, I am the decision maker for the lead agency. On February 6, 2003, I certified that a final Environmental Impact Report (EIR) prepared for this project had been completed in compliance with the CEQA. That certification and certain related actions were challenged in a Superior Court action entitled Riverwatch et al. v. County of San Diego Department of Environmental Health et al., case number GIN038227. On January 20, 2006, the Honorable Michael Anello issued a Preemptory Writ of Mandate directing the County of San Diego to set aside my February 6, 2003 certification and certain related actions. I complied.

The Court further directed the County to correct three identified deficiencies in the 2003 Final EIR, related to traffic, water supply, and biological mitigation. In response, additional analysis of these issues was performed, additional mitigation was identified, and a Revised Partial Draft EIR was prepared and made available for public comment. LEA staff evaluated and responded to all comments received, and a Revised Final EIR was prepared

On May 31, 2007, I took the following actions with respect to the Revised Final EIR for the Gregory Canyon Landfill:

1. Find that the direction of the Court concerning traffic has been satisfied, because the 2003 Traffic Needs Assessment Study has been made available for public comment and has been considered in the analysis, and because additional updated traffic analysis has been completed and additional mitigation has been identified.

2. Find that the direction of the Court concerning water supply has been satisfied, because specific sources of water have been identified and the impacts of using those sources of water have been identified and disclosed.

3. Find that the direction of the Court concerning biological mitigation has been satisfied, because the Project will not merely preserve land set aside as open space by Proposition C, but within that open space will create new habitat or enhance existing habitat as CEQA mitigation; and because the Revised Final EIR specifies that if the Court determines that the creation of new habitat or the enhancement of existing habitat within Proposition C open space for CEQA mitigation is not consistent with Section 5R of Proposition C, the project will provide sufficient additional offsite mitigation to comply with CEQA.

4. Certify that the Revised Final EIR, consisting of the 2003 Draft EIR, the Revised Partial EIR, and comments and recommendation on the Revised Partial Draft EIR that was circulated for comment in 2006, and LEA responses to significant environmental points made in those comments and recommendations, has been completed in compliance with the CEQA and the CEQA Guidelines and reflects the independent judgment and analysis of the Director, Local Enforcement Agency.

5. Adopt the finding that further re-circulation of the Revised Final EIR is not required (Attachment A).

6. Adopt the statement regarding the custodian of the record of proceedings (Attachment B).

GARY W. ERBECK
Director of Local Enforcement Agency

Date: 5/31/07

Attachment A

RECIRCULATION OF THE REVISED FINAL EIR IS NOT REQUIRED

Finding: Further recirculation of the Revised Final EIR is not required.
The Revised Final EIR consists of the February 6, 2003 Final EIR (which was subsequently decertified); the Revised Partial Draft EIR (which was circulated for public comment from July 10, 2006 through August 24, 2006); further revisions to the Final EIR and Revised Partial Draft EIR; the verbatim comments and recommendations received on the Revised Partial Draft EIR; a list of persons commenting on the Revised Partial Draft EIR; the responses of the County Department of Environmental Health to significant environmental points raised in the review and consultation process; and additional information incorporated into the Revised Final EIR by the Department of Environmental Health.

Rationale: The Revised Partial Draft EIR incorporated and addressed all significant revisions to this project since the 2003 Final EIR. Adequate supporting analysis was included related to those revisions. The County was not required to circulate the Revised Partial Draft EIR for public review and comment pursuant to the CEQA Guidelines, but that material was nevertheless circulated for public comment from July 10, 2006 through August 24, 2006. A public meeting was also held on August 14, 2006 at which written and oral comments were received. In response to the comments received on the Revised Partial Draft EIR, additional revisions were made in the Revised Final EIR, to correct minor errors in the presentation of technical information, to clarify parts of the document, and to add or modify mitigation measures.

No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that a new significant environmental impact would result from the proposed landfill. No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that a substantial increase in severity of an environmental impact would result from the proposed landfill. No new significant information was added to the Revised Final EIR following public review of the Revised Partial Draft EIR that demonstrates that there are feasible project alternatives or mitigation measures considerably different from others previously analyzed, which alternatives or mitigation measures would clearly lessen significant impacts of the proposed landfill. Finally, the Revised Partial Draft EIR was not so fundamentally inadequate that meaningful public review and comment were precluded.

The Revised Partial Draft EIR was circulated for public review and comment, and a public hearing was held to take testimony on the Revised Partial Draft EIR and the proposed landfill. Thus, there has been substantial public review of the Revised Final EIR for the proposed landfill. No further public review of the Revised Final EIR, or any part of it, is required.

Attachment B

STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE THE RECORD OF PROCEEDINGS

May 31, 2007

Project Name: Gregory Canyon Landfill

Reference Case Numbers: Environmental Record (ER) 98-02-025; SCH # 1995061007

CEQA requires the lead agency (in this case, the County of San Diego Department of Environmental Health) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. (Public Resources Code section 21081.6(a) (2). It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Department of Environmental Health
Solid Waste Local Enforcement Agency
9325 Hazard Way
San Diego, California 92123

Custodian:

County of San Diego, Department of Environmental Health
Solid Waste Local Enforcement Agency
9325 Hazard Way
San Diego, California 92123