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San Diego Chapter
Serving the Environment in San Diego and Imperial Counties
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October 6, 2009

John H. Robertus, Executive Officer
Attention: Mike Porter, Engineering Geologist
California Regional Water Quality Control Board
San Diego Region 9174 Sky Park Court Suite 100
San Diego, CA 92123-4340

Subject: Gregory Canyon Ltd. LLC Application for CWA Section 401 Water Quality Certification
For Proposed Bridge over the San Luis Rey River to Connect the Proposed Landfill to State
Route 76

Dear Mr. Robertus:

On behalf for Sierra Club San Diego Chapter, I welcome this opportunity to comment on the Gregory Canyon Ltd LLC application for the CWA Section 401 Water Quality Certification for the proposed bridge across the San Luis Rey River.

As you are aware, the Sierra Club along with seven other environmental organizations submitted a joint letter on September 16, 2009 to the U.S. Army Corp of Engineers ¹ (USACE) strongly opposing the issuance of the nation wide permit for the landfill. The National Resources Defense Council (NRDC) in their September 10 letter² to the USACOE argued that the Corp has jurisdiction over the stream in Gregory Canyon. Because that the proposed landfill poses significant environmental impacts NRDC concludes that using the nationwide permit (NWP) for the proposed bridge over the San Luis Rey River is inappropriate to address the water quality impacts from the proposed landfill. We concur with NRDC that the water quality impacts for the entire landfill project must be reviewed.

The Board staff has deemed the water quality 401 application for the Gregory Canyon Bridge³ as incomplete. I note that there are significant omissions in the application that require water quality impacts due to the landfill project such as stream velocity, sediment loading, and cumulative pollutants from the garbage trucks traveling over the bridge (oil leaks, fuel, trash, etc). The storm water pollution plan was not submitted with the application, It must be approved prior to construction and include pollution controls at the construction staging areas for bridge building material, maintenance and repair of heavy construction equipment. Fuel, hydraulic fluids, lubricant

¹ Letter 16 Sept 09 to Col. Thomas H. Magness, IV, 58th Commander, Los Angeles District USACE from Sierra Club, Surfrider Foundation, Coastal Environmental Rights Foundation, San Diego Coastkeeper, NRDC, WILDCOAST, EHL and Food & Water Watch

² Letter 10 Sept 09 to Col. Magness, IV, USACE from NRDC, Re: pending application NWP for San Luis Rey Bridge

³ Letter RWQCB to Gregory Canyon Ltd. LLC, 28 Sept 09: Application for water quality certification Gregory Canyon Bridge re: 22794: mporter

oils and other and other petrochemical must not be stored within the 100 year floodplain and have secondary containment for spills. Appropriate spill cleanup equipment must be on site at all times during construction.

The proposed Gregory Canyon Bridge is an essential part of the Gregory Canyon Landfill project. As such Regional Board action to approve the application of 401 water quality certification for the proposed bridge separately from the water quality impacts from the landfill project amounts to piecemeal review of the cumulative effects of the project and is not allowed by CEQA⁴. CEQA requires cumulative water quality impacts of the individual effects of the entire proposed landfill project including the construction, operation and post closure phases. Accordingly the water quality requirement for the Gregory Canyon Bridge must be incorporated into the Gregory Canyon Landfill waste discharge requirements and not separately under the NWP. Full disclosure of the cumulative water quality impacts of the entire Gregory Canyon Landfill project must be available for public review and comment in advance of the time when the Board convenes the public hearing for this project.

Thank you for this opportunity to provide these comments.

Sincerely,



Edward Kimura
Chair, Water Committee
Sierra Club, San Diego Chapter

⁴ CEQA Section 15355. Cumulative Impacts “Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
(a) The individual effects may be changes resulting from a single project or a number of separate projects.
(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.