

## Sibbet, David

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**From:** Byron Marler <marlerstorm1@gmail.com>  
**Sent:** Tuesday, October 22, 2019 3:51 PM  
**To:** Sibbet, David  
**Cc:** warren.wardlaw@sdcounty.ca.gov  
**Subject:** North County Environmental Resources Project PDS 2008-3500-08-015  
**Attachments:** David Sibbet letter oct22 review.docx

Dear Mr. Sibbet,

With reference to the subject project, I am attaching a letter in response to the Public Comments invited before Oct 28, 2019.

Thanks in advance for your consideration of the comments that I have made.

Yours truly,

Byron Marler  
25147 Rue De Fleur  
Escondido, CA 92026

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From Byron Marler

October 22, 2019

David Sibbet  
Planning Manager  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
Email: [David.Sibbet@sdcounty.ca.gov](mailto:David.Sibbet@sdcounty.ca.gov)

cc. Mark Wardlaw, Director  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
Email: [mark.wardlaw@sdcounty.ca.gov](mailto:mark.wardlaw@sdcounty.ca.gov)

THIS LETTER SENT BY EMAIL.

**SUBJECT: North County Environmental Resources PDS2008-3500-08-015, PDS2013-BC-13-0019; PDS2008-3910-0808012**

Mr. David Sibbet,

At Planning and Development Services (PDS) meeting, Sept. 24 in San Marcos, you encouraged the audience to prepare written comments, concerns, and questions to be submitted to PDS by October 14, 2019. Subsequently that deadline has been extended to October 28, 2019.

The following is my list of concerns and questions. I expect my concerns to be treated in a mindful way by PDS, and hope to have answers provided by PDS. I believe that PDS will find merit in my analyses, questions, and concerns regarding the vagueness, possible deceptions, inaccuracies and non-disclosures in the applicant's documents to an extent that PDS will reject the Section 15183 processing. I request that PDS require a full EIR be prepared for the NCER project.

Concern – Planning and Development Services (PDS) required an EIR for the NCER project in 2014, found significant deficiencies in a draft EIR and then

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enumerated those deficiencies to the project applicant in May 2015. There were no subsequent notices of action provided to the public. Then in September 2019 PDS determine that CEQA section 15183 could be used to approve the project. What changed in the 4 years between 2015 and 2019? Why weren't the list of interested citizens informed of project updates during the 4 years? Did the applicant make all payments required to keep project file active in a timely manner?

Concern – Economic analysis of the project clearly shows that tipping charges for 6 truckloads per day and sales fees for 2 truckloads finished product, totaling a daily income of about \$2,400 (based on prevailing rates) cannot cover salaries of 18 employees. In fact considering capital spending for site preparation, road and pad construction, buildings, equipment, infrastructure, and operating costs, NCER will be very unprofitable. The importance of this unprofitable condition is that the applicant/operator will need to increase materials thru-put to increase income and avoid bankruptcy. The project description citing 6 truckloads in-bound and 2 truckloads out-bound daily seems to be a deception. The owner/operator of the NCER must know this and probably is planning on increasing the facility thru-put after the facility goes operational. Applicant's current studies on air quality, noise, traffic, and other public nuisances are all based an operations scenario of 6 truckloads in and 2 truckloads out per day. These studies would be of little value if NCER does increase material thru-put to amounts greater than “the daily maximum combined process tonnage of C&D wood debris and/or CDI debris allowed by the Local Enforcement Agency”, which is 174 tons.

PIECEMEALING, starting small, then increasing material thru-put and operation rates to a point of exceeding the permit/legal limit (174 tons/day) over time would be illegal, but also would be difficult to detect and enforce. PIECEMEALING in this manner will not be tolerated. How can the citizens who live near this proposed facility monitor and stop PIECEMEALING in the future at NCER?

Electronic monitoring (counting) trucks entering and leaving the NCER facility is one way to check compliance with facility operating limits. Operator's log sheets of daily tonnage received is another way to monitor and check compliance. Water usage data from meters is a way to check compliance with dust control management. These monitoring measures and others can be done relatively inexpensively via electronic measuring devices and these data can be place on a

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public accessible internet website in real-time and/or as daily totals. If applicant refuses to implement monitoring and make the data available to public as suggested here, that refusal would support the contention that NCER plans on increasing thru-put of materials to levels exceeding the legal limit, 174 tons per day. Will PDS require monitoring as suggested here? Will PDS require these data from NCER be made available by a public accessible website?

Concern - Will NCER have the water needed to properly control fugitive dust emissions?

In an inquiry to the Vallecitos Water District, we learned there is no current commitment by the district to supply 1,200,000 gallons per year of water as claimed by NCER. "The last request that we have on record for water availability to this property is was back in 2013. The District has no commitment or agreement to serve this property. A water and sewer study would be required to determine what impacts the proposed project would have on District infrastructure. (Oct 1, 2019, *Robert Scholl, P.E., Senior Engineer – Development Services Vallecitos Water District*)

Water spraying and misting is the cited method of dust (PM10, PM2.5) control to be used by NCER. The applicant states, "Approximately 3.68 acre-feet per year (AFY) would be pumped with implementation of the proposed project. The project is anticipated to need approximately 2,400,000 gallons of water per year (7.36 AFY) and roughly half would be delivered by the Vallecitos Water District and the other half would be pumped from on-site wells." Thus on-site wells would need to supply about 1,200,000 gallons per year. However, the PDS STATEMENT OF REASON TO EXEMPT ----states, " The site contains six permitted groundwater wells; however, these wells will be destroyed under permit and inspection by the Department of Environmental Health." Will any of the wells be preserved? Will new wells be drilled?

Also it is noted in the applicant's Air Quality Memorandum, in Attachment A, that only 1,200,000 gallons were entered into the CalEEMod emissions model. This implies that well water will not be used or was overlooked in the calculations of Green House Gas emissions. Does PDS agree that well water pumping was not included in the Green House Gas emissions? Does PDS agree that there be adequate water for fugitive dust control at NCER?

Potential lack of water is significant new information which could nullify permit processing via CEQA 15183. Does PDS agree with this statement?

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### Air Quality Concerns – Emissions trade-offs

Applicant's Air Quality Memorandum (AQM) it states that in the future trucks that would have delivered materials to and transported processed materials away from Miramar, Otay and other CDI facilities will come to NCER. Equipment use reductions and resulting emissions reductions at Miramar and Otay will then be matched by equipment use increases and emissions at NCER. Thus no net increase in air pollutant emissions will occur from the processing of materials at NCER. This trade of emissions among the facilities is then used as the reason that air pollution emissions from truck-dumping, front-end loaders, bulldozer, stackers, concrete crusher, and wood debris grinder are not reported in the applicant's air quality memorandum. From an air district perspective this may make some sense, not to double count the emissions. However, this seems like a deception and makes no sense from a homeowner's perspective living downwind of the NCER facility. It doesn't tell how much new air pollution will in the air at his/her home.

How is it assured that one-for-one trade-off occurs among reduced emissions from Miramar and Otay and increased emissions at NCER? Is this contract based? Is it enforceable by the SDAPCD? Is it enforceable by any county agency/authority? What prevents NCER from taking CDI debris, waste wood and green waste from other sources? Are there year-to-year growth trends in CDI debris and wood waste? If so, then all new emissions at NCER must be addressed in Table 6 of the AQM. Does PDS agree with this assessment?

Or is SD County showing no net growth in CDI debris? No net growth in CDI debris also begs the question – is another facility needed? Is there any benefit provided to the public by an additional CDI facility? There are other near-by facilities that can handle the materials NCER plans to receive. Considering the nuisance to local neighborhoods that NCER will cause, why is NCER needed? Why should it be permitted?

### Air Quality Concerns – Emissions

The applicant's AQM presents modeled emissions for operations in Table 6. Only additional equipment (not being used at Miramar and Otay) consisting of a trommel screen and a shaker screen are used in the model. The resulting emissions are stated to be 32.35 lbs/day for PM10 and 7.78 lbs/day for PM2.5. These modeled emission values are below the County's criteria limits of 100 lbs/day

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PM10 and 55 lbs/day PM2.5, thus a determination of not significant is made. However, these calculations do not include emissions from crushing, grinding, materials stacking, front-end loaders dumping and other emission sources. This seems like a deception. All PM10 and PM 2.5 emission must be included in table 6 to assure public of the true emission values. Does PDS agree?

During construction 244,464 yards of rock and blast debris will be processed during 2 – 4 weeks on site. Assuming 1 yard of rock debris weighs about 1 ton, this equates to 9000 - 18000 tons per day fed to an on-site crusher per the construction description. Table 6 of AQM states 32.35 lbs/day of PM10 results from 174 tons/day intake. Ratio for PM10 emissions from crushing 9000 – 18000 tons per day compared to 32.35 lbs/day emissions for 174 tons processed in operations would far exceed the 100/lbs/day criteria (math suggests factor of 50 - 100 times, 1600 -3200 lbs/day PM10 emitted by construction crushing). This crushing activity was not counted in the CalEEMod model used by applicant's consultant. Doesn't this exceed County's emissions criteria?

#### Concern - Quality of Applicant's documents

Applicant's documents for NCER presented on PDS website are far too vague in description of site plan, details of equipment to be used and amount of material that will be processed. For example PDS "Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist Pursuant to CEQA Guidelines §15183" states, "NCER is anticipated to release two truckloads per day (approximately 48 tons per day, 15,000 net tons annually) of finished product. The daily maximum combined process tonnage of C&D wood debris and/or CDI debris allowed by the Local Enforcement Agency (LEA) is 174 tons." However, Attachment A of the AQM indicates 174 tons of CDI and 199 tons of C&D wood debris used in the emission calculations. Dates on the emissions analysis (Attachment A) indicates the work was done in 2017. Is it clear to PDS which emission values were used in the calculations? What emissions were used?

Other NCER studies in the PDS public electronic files date from 2009, 2012 and 2013. "Hazardous Load Check/Materials Program" refers to a "Fact Sheet" dated in 2007. How can a traffic study done in 2012 be relevant to 2019, especially considering the housing development and planned housing development along I-15? Doesn't the applicant need to update aged studies to reflect here and now environmental setting and the projected impacts of the NCER facilities? Will PDS require updates be made to the aged studies provided by the applicant?

## Concern – Noise

In the applicant's "Supplementary Noise Technical Analysis" "noise modeling is based on a standard equation for noise attenuation with distance known as the Inverse Square Law, in which for discrete noise sources (such as for individual pieces of construction equipment including the rock crusher), the sound level decreases at a rate of 6 decibels (dB) per doubling of distance." Results of this modeling analysis show a small exceedance of county criteria at the eastern residences. Given this exceedance, more sophisticated modeling should be applied to account for atmospheric effects, especially winds and temperature inversions.

Nocturnal temperature inversions commonly develop in the site area during the night-time hours, resulting in colder, denser air near the ground and warmer, less dense air aloft. Inversions cause refraction of sound waves that project upward from a source causing sound to bend downward toward the surface. This can increase the noise intensity (loudness) at more distant locations than would be projected by the Inverse Square Law.

Also wind speed and direction tends to move the sound along the direction of the wind. The prevailing winds are generally from the west to the east, and will tend to transmit NCER site noise further to the east than would be shown by the modeling used in the applicant's report. The combination of temperature inversion and light winds will move greater sound intensity (louder noise) further from the source than would be calculated by simple application the Inverse Square Law. In the case of the residence located to the east of the plant site, where the modeled noise level is 58 dBA (exceeding the County's criteria), the resulting noise levels would be louder (further exceeding the criteria) than shown in the report. This would be especially true during early morning hours with temperature inversion and light air flow moving west to east. Will PDS require a more sophisticated noise model, one that includes atmospheric effect, be used in the Acoustic Analysis for NCER?

Noise levels emanating from the NCER can be reduced by placing crushing and grinding equipment inside buildings or behind sound barriers. Will PDS require noise abatement techniques be used at the NCER facility?

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NCER plans on operating the facility 6 days per week during the hours of 5 am to 7 PM. Temperature inversions and light easterly directed breezes will transmit nuisance level noises into the neighborhoods east of I-15. During winter when sunset is near 5 PM, cooling ground surfaces will re-establish temperature inversions over the area and prevailing winds (west to east) will carry nuisance level noise in to these neighborhoods. Revising NCER operating hours to 8 am – 5 PM will help mitigate this noise nuisance. Will PDS require operating hours for NCER be limited to day time?

A survey of other CDI facilities shows operating hours range 7 - 8 am as opening time and 4 - 5 PM closing time. Why does NCER need a 5 am opening time and a 7 PM closing time? Considering the noise created by NCER, the nuisance it causes to adjacent neighborhood, NCER proposed hours should be revised – does PDS agree?

Concern – Noise criteria. Applicant's noise study, Attachment A, "NOISE ASSESSMENT" Prepared By: Jeremy Loudon, 446 Crestcourt Lane Fallbrook, California 92028 May 2013 shows the method by which the noise limit standard is calculated, "the Project is zoned industrial (M54) and the surrounding properties are zoned Rural residential (A-70 & RR). The project site, zoned M54, is subject to a one-hour average sound level limit of 70 dBA anytime. Abutting land uses to the west, east, and south are zoned A70 and RR that allows a one-hour average sound level of 50 decibels (dBA) from 7 a.m. to 10 p.m. and 45 decibels (dBA) from 10 p.m. to 7 a.m. The final one-hour average sound level limit for two zoning districts is the arithmetic mean of the respective zones. In this case, the most conservative property lines along the western, eastern and southern boundaries would be subject to 60 dBA daytime and 57.5 dBA nighttime under Section 36.404 of the Noise Ordinance". The 57.5 dBA limit criteria are used to determine noise exceedance at the eastern residence. However land at the eastern residence does not abut to the NCER M54 zoned parcels. Thus the averaging method to determine limit criteria should not be used. Noise limit standard there and at other eastern residences (zoned A-70, RR) should be 50 dBA daytime and 45 dBA nighttime hours. Does PDS agree with this assessment of noise criteria? Does noise generated at NCER pose a potential noise standard exceedance at the eastern residence(s)?

There are residences at a range of about 3,000 ft. from the NCER site, and these residences have a direct line view, with no terrain blocking, to the plant site. These residences would receive 52 dBA (or more considering atmospheric effects) from noise made at NCER. This estimate is made using the 6 dBA decrease per doubling of distance, applied to the 58 dBA modeled at 1580 ft. range eastern



From Byron Marler

residence. County's noise limit criteria at these residences are 50 dBA daytime and 45 dBA nighttime hours. Noise made by NCER and received at an intensity of 52 dBA at these residences would exceed the County's noise criteria limit. Does this noise level and implied standard exceedance pose a problem? What is PDS' assessment?

Concern – What happens to the material not processed? Applicant's AQM states, "The proposed project is expected to require crushing and grinding for approximately half of the material processed onsite, which equates to approximately 4,000 tons annually or a maximum of 20 tons per day being crushed." What happens to the other half of the material that is not crushed or ground? Does the applicant have an answer? Does subsequent handling of this material cause emissions not counted in Table 6? Does PDS have the answers?

Thank you for providing this opportunity to bring my concerns to the attention of Planning and Development Services.

Byron Marler



25147 Rue De Fleur  
Escondido, CA. 92026

**Sibbet, David**

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**From:** Byron Marler <marlerstorm1@gmail.com>  
**Sent:** Monday, October 28, 2019 10:10 AM  
**To:** Sibbet, David  
**Cc:** rirangan@yahoo.com  
**Subject:** NCER Letters PDS 2008-3500-08-015  
**Attachments:** Scanned letter 1.jpeg; letter 2 page 1.jpeg; letter 2 page 2.jpeg

Mr. David Sibbet,

Please find attached 2 letters from citizens who are giving input on the subject project. One of the letters includes a page 2 where you'll find additional written input.

Thanks you.

Byron Marler

25147 Rue De Fleur

Escondido, CA

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## Sibbet, David

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**From:** Byron Marler <marlerstorm1@gmail.com>  
**Sent:** Monday, October 28, 2019 3:45 PM  
**To:** Sibbet, David  
**Cc:** Wardlaw, Mark; rirangan@yahoo.com  
**Subject:** NCER Letters PDS 2008-3500-08-015 -- comment/concerns  
**Attachments:** BM LETTER TO SIBBEt 10282019.docx; 05182005 Item 19 (dragged).pdf

David, Some addition information I'd like PDS to consider are attached. Thank you.

Byron Marler  
25147 Rue De Fleur  
Escondido, CA

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October 28, 2019

David Sibbet  
Planning Manager  
Planning & Development Services  
County of San Diego

cc. Mark Wardlaw  
Director – Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123.  
THIS LETTER HAS BEEN SENT BY EMAIL

**North County Environmental Resources Project, PDS 2008-3510-08-015**

Dear Mr. Sibbet;

Further to my letters of comment dated October 22, 2019, I am writing to convey the following information related to public comments regarding the subject project.

In a letter (attached to email) from David R. Shibley, dated April 21, 2005, to The Board of Supervisors, RE: Request to change residential zoning..., arguments were provided in support the zoning change to heavy industrial for the parcels which would be used by NCER. On page 3 of the letter 11 reasons in favor of the change are listed. Comparing the details of that list of reasons to the realities the environmental setting of today, at least 7 of those arguments are not valid. For example, item 5 states nearest residence is 1.5 – 2 miles away, but today homes are within 600 ft. of the site. My point is that the basis for the zoning change was weak. The reason and needs listed are no long pertinent. My letter lays a basis on which a change of the zoning could be considered. The I-3 zoning of those parcels are an example pocket zoning. The I-3 zoning is incompatible with the residential uses of the surrounding lands. I believe this information should be included in the information given consideration by PDS and provided to the Zoning Administrator.

Yours truly,



Byron Marler

Byron Marler

Email: [marlerstorm1@gmail.com](mailto:marlerstorm1@gmail.com)

25147 Rue De Fleur

Escondido, CA 92926



If the rezoning is successful Arie intends to build a construction materials recycling facility for concrete, asphalt, wood and all other recyclable materials produced at construction sites. He will also build a large green waste composting facility. The green waste facility will be a more than adequate replacement for the largest green waste facility in the County currently located near Brown Field and scheduled for closure within less than six months. At completion of grading the southerly 35 acres should have a net acreage yield of 23 to 30 acres allowing ample room for this combination facility. Notice that Arie's other 3 parcels (79 acres to the west and 6.87 and 6.14 acres to the north) will provide more than an adequate buffer for his proposed project.

On the 16<sup>th</sup> of February Arie de Jong and I appeared at the Twin Oaks Sponsor Group meeting and requested the zone change as part of the General Plan 2020 Update process. We also appeared at the Planning Commission hearings. We were denied by both the Sponsor Group and the Planning Commission. At the sponsor group meeting the Golden Door presented a relocation proposal for their facility to eventually relocate from adjacent to Deer Springs Road to the center top of the 400 acres they own. The Sponsor Group agreed to work with them on their proposal. I only bring this up to indicate that the relocation of the Golden Door facility to the top of their property will not be in conflict with Arie de Jong's rezoning as the de Jong parcels are far enough south and separated by ridgelines from the proposed Golden Door relocation.

Please refer to the attachment three newspaper articles and it will immediately become evident there is a need for this type of facility. The basis of the articles is Assembly Bill 939 which is a state law requiring all jurisdictions in the County to reduce reuse and recycle at least 50 percent of their trash stream placed in landfills or face fines of up to \$10,000 a day. Certain areas in the County are currently only at 44%. The articles talk of the City and County building a construction and demolition mixed recycling facility in Miramar. Mr. de Jong's facility would place this task in the hands of private enterprise, which is significant when you consider how limited public funds currently are. Even if the Miramar facility is constructed you will need a similar facility to service the North County Cities.

County Planning Staff hired a consultant named Economics Research Associates (ERA) to complete and submit a report estimating how much industrial employment lands the projected resident population would support under the General Plan 2020 Update. The report found a deficiency of 49 acres of Industrial land in the Twin Oaks Sponsor Group area. This project would help close that deficiency.

In addition you will find enclosed two letters from the office of State Assemblyman Mark Wyland. One is directed to the Planning Commission the other to Supervisor Bill Horn. The purpose of both letters is simply to make

**everyone aware of the fact that in certain areas of the County the 50% landfill diversion required by Assembly Bill 939 is not being met.**

**The specific merits of Mr. de Jong's site are as follows:**

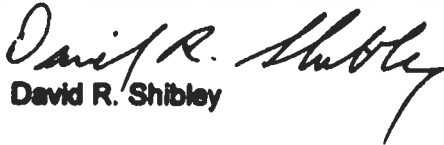
- 1. Central location to the North County Cities.**
- 2. Located on a major transportation corridor (I-15) just south of the Deer Springs/Mt. Meadow Interchange. This interchange will be vastly improved as projects in the pipeline in Mountain Meadow and the Twin Oaks Valley areas are approved.**
- 3. Located on Mesa Rock Road a sparsely trafficked frontage road providing access from the north and south.**
- 4. Easy access from Escondido, San Marcos, Vista, Carlsbad, and Oceanside via route 78 direct to Center City Parkway and then north with a left hand turn on Mesa Rock Road underneath freeway 15 direct to the site.**
- 5. Complete lack of visibility of the site from any direction as the south, north and west sides are high ridge lines completely hiding the site. The site sits high above the freeway and an east berm with trees will completely hide the east side of the project from homes 1.5 to 2 miles to the east across the freeway.**
- 6. No noise concerns because of the ridge lines on all three sides, the masking sound of the freeway on the east side, lack of residential neighbors and Mr. de Jong's buffering created by three other parcels of land he owns contiguous to the west and north.**
- 7. Isolated enough to prevent odor problems and located just high enough and north of the Escondido air basin to lessen odor effects.**
- 8. Relatively benign environmental site as a minimal amount of coastal sage habit on the 35 acres was destroyed many years ago by CALTRANS when the freeway was built.**
- 9. Minimal grading to prepare the site as the 35 acres was partially graded by CALTRANS years ago. The only other grading of significance will be improving the existing access road.**
- 10. A site that could be fast tracked and brought on line quickly and addresses a County wide problem.**
- 11. Helps satisfy a 49 acre industrial lands shortage in the Twin Oaks Valley area.**

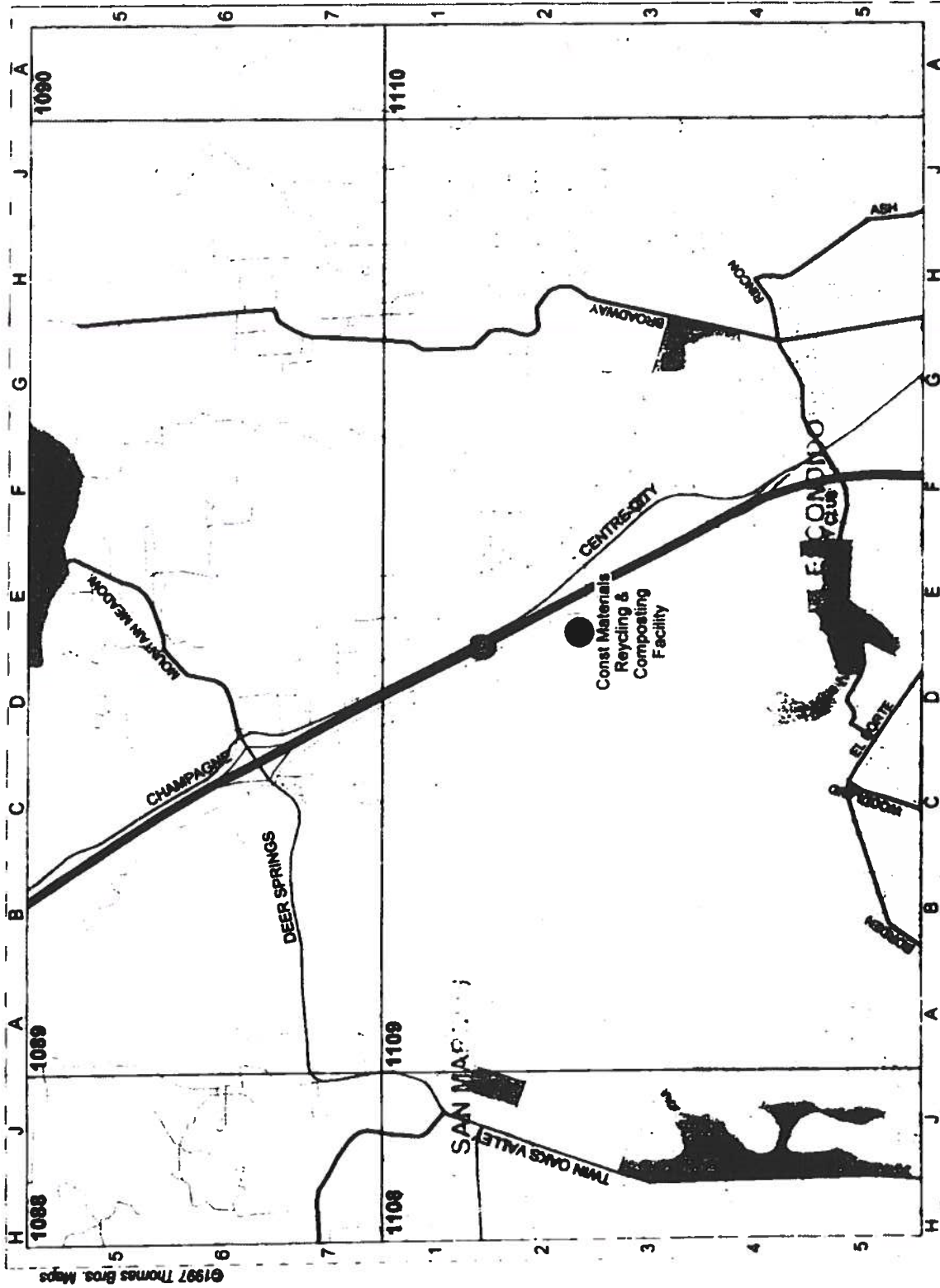


I and/or Arie de Jong are available if you would like to tour the site prior to the hearing of May 11, 2005. I can be reached at (760) 737-9007. If you have questions of County Staff I would suggest you contact Wayne Williams of the Solid Waste Division at (858) 874-4108 as he has seen the site and is the Counties resident expert on trash.

As a summary of the merits, this is a perfect site for this facility because of central location, easy transportation access, isolation, complete lack of visibility and minimal environmental impact. I cannot think of a more perfect location. Recycling at this facility will lengthen the life of all of our landfills, allow us to recycle our man made products and our green waste, and help us meet the Industrial Land deficiency currently existing in the Twin Oaks Valley area.

Sincerely,

  
David R. Shibley



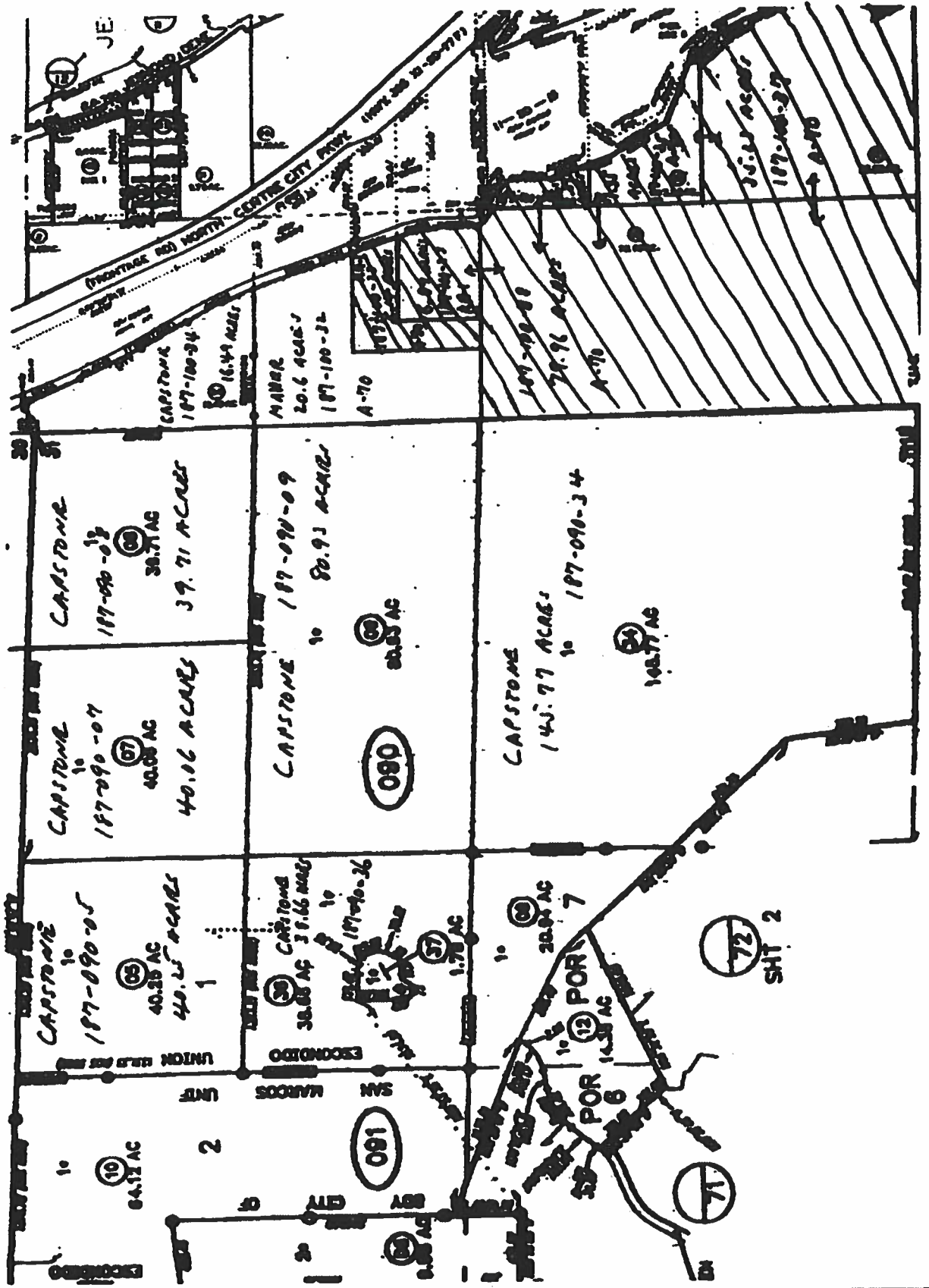
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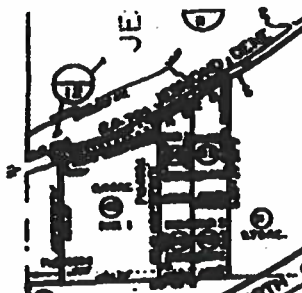








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FAX (916) 916-6174
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201 EAST MAIN STREET  
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**Assembly  
California Legislature**

**MARK WYLAND  
ASSEMBLYMEMBER, SEVENTY-FOURTH DISTRICT**

**COMMITTEE ASSIGNMENTS**  
VICE CHAIR:  
REVENUE AND TAXATION  
**MEMBER:**  
EDUCATION  
GOVERNMENTAL ORGANIZATION  
VETERANS AFFAIRS  
BUSINESS & PROFESSIONS  
**SELECT COMMITTEES:**  
EARTHQUAKE SAFETY  
AND PREPAREDNESS  
HIGH PRIORITY SCHOOLS  
WORKFORCE INVESTMENT  
GASOLINE COMPETITION,  
MARKETING & PRICING  
**JOINT COMMITTEE:**  
DEVELOP A MASTER PLAN  
FOR EDUCATION

March 3, 2005

Supervisor Bill Horn  
1600 Pacific Highway, Room 335  
San Diego, California 92101

Re: Compliance with California State Assembly Bill 939

Dear Supervisor Horn:

On Friday the 18<sup>th</sup> of February 2005 Mr. Aris de Jong accompanied by David Shibley visited my office and presented information on what appears to be an excellent site for construction of a combination construction material recycling facility and green waste composting facility.

Placement of this facility would require a zone change from residential to heavy industrial and the opportune time to accomplish this zone change would be as part of the General Plan 2020 update currently in process.

As an assemblyman I do not ordinarily get involved in specific projects or land use decisions; however I am sure you are aware of the state mandated requirements of AB 939 and the fact that in certain areas of the County the fifty (50%) percent landfill diversion requirement is not being met.

Mr. de Jong seems to have a very suitable site in a central location and I would appreciate any assistance your good offices could provide him with his zone change request. I have also forwarded similar correspondence to each Planning Commission Member in preparation for a Planning Commission Hearing of March 4, 2005 concerning this zone change request.

Sincerely,

*Mark Wyland*  
MARK WYLAND  
Assemblymember, 74<sup>th</sup> District



Wednesday February 09, 2005

editor@sddt.com

http://www.sddt.com

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## San Diego ordinance aims to raise amount of recycled material

By Ryan Moore, The Daily Transcript  
Wednesday, February 9, 2005

Businesses, especially construction, could bear a greater share of San Diego County and city's recycling responsibility in the coming months. And tougher policy measures for residents aren't far behind. Both the county and city are currently working out the details of construction and demolition ordinances that proponents say would help San Diego meet and maintain state garbage mandates, avoid large fines and extend the life of its landfills.

As part of a state law, all jurisdictions in the county are under mandate to reduce, reuse and recycle at least 50 percent of its garbage or face fines of up to \$10,000 a day. San Diego was granted an exemption after failing to meet that standard in December and has until the end of this year before it could again face fines.

The state's most recent results, from 2002, show that San Diego recycles 44 percent of its waste.

"This is a real way to assure that not only will the jurisdictions get 50 percent recycling, but they're going to be able to maintain it," said Wayne Williams, recycling program coordinator for the county. "We've got a population explosion going on right now, and it's very important were recycling more and more tonnage all the time just to keep at 50 percent."

The City Council told city workers in December to draft a mandate for recycling construction debris, even though an advisory committee that included building interests had proposed a voluntary program. Williams said once the city was mandated, a number of other jurisdictions jumped on the bandwagon.

Williams, who is heading the ordinance draft plan for the county, said other cities like Chula Vista and Oceanside implemented mandatory recycling programs years ago, and have had successful results. He noted that the county and city's plan will be uniformly structured to those existing plans to make the transition easier and more efficient.

Some details of the county's plan, which are still subject to change, include making projects of 40,000 square feet or greater subject to the ordinance; the mechanism for financing would be either a bond or cash, and to make sure builders recycle, they would receive a prorated percentage of money back for the amount of waste they recycled.

Williams said the plan would probably be brought before the county board by the end of March, and it would be implemented in stages, although this is all subject to change.

According to Leah Bowder, deputy director for the city's Environmental Services Department, the city will probably be submitting a commodities plan to the council toward the end of the summer. The residential/commercial plan, which will impose similar recycling requirements for green-waste, was halted to work on the construction and demolition ordinance.

As for the construction and demolition ordinance plan, concerns are being raised by some businesses regarding the details – such as what materials will be subjected, and whether or not the city and county actually have the infrastructure to implement such a mandate.

"Our concern is that if they make this a mandatory requirement yet do not have the facilities to accommodate the debris what do we do," said Matt Adams, Building Industry Association representative. "It takes time to get facilities like that online."

Adams said his organization is also concerned with the fact that the city wants to implement the ordinance even though it is in the process of calculating its baseline results regarding whether they met the 50 percent standard. The BIA recognizes the importance of recycling, Adams said, but they want a fair and reasonable plan and are requesting that the city build a new facility before approving the ordinance.

According to Williams, the county and city have announced that they want to build a construction and demolition mixed recycling facility in Miramar, and that the request has already hit the streets and is being negotiated.

"We really don't want to put an impediment in any way on businesses," Williams said. "We have taken [builders'] suggestions into consideration completely. We're here to help serve the community and the economy, and by



.. working with [builders] we can come up with a good solution."

Williams said a recycling program such as the one he is drafting is essential for extending the life of its three landfills. The city estimates that the Miramar landfill -- which primarily receives city waste -- would run out of room by 2012 at the current rate of about 9 million pounds a day.

Construction and demolition materials -- such as cement and lumber -- weigh a lot, making it an easy source of removing "tonnage" of waste, Williams said. In addition, materials like concrete can be grinded up and used as base material for roads, something he feels contractors will reap the benefits of.

# S.D. plan targets construction waste in landfills

**Deposit would be returned if material is properly recycled**

By John Lee  
STAFF WRITER

Contractors and do-it-yourselfers would pay mandatory deposits on many construction and demolition projects if San Diego approves a proposal aimed at reducing the vast amounts of stone, wood and concrete clogging regional landfills.

If materials are properly re-

**PUBLIC HEARINGS**  
Which Session by San Diego's natural resources committee to discuss a proposed recycling mandate for construction and demolition jobs? When: 9 a.m. tomorrow. Where: 12th floor of city administration building, 222 S. 3rd.

ycled and documented, the money would be returned to the contractor. It would fund the city's waste-reduction efforts, which are being ramped up to avoid \$10,000-a-day tear-fires against a city already short on cash.

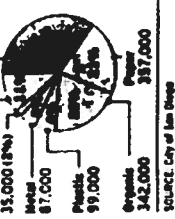
The construction plan, which goes to the city's natural resources committee tomorrow,

is modeled after a program in San Jose that has spawned several similar ordinances in the Bay Area. A committee sign-off would send the measure to the City Council for a vote, likely in May or June.

San Diego officials want to create a financial incentive for recycling building materials — the largest segment of the city's garbage — akin to the state's deposit program for bottles and cans.

Scales are high at City Hall, where business leaders are expected to show up in force to-

**LANDFILL REVUSE**  
For the city of San Diego in 2000 (latest data available).  
Construction and demolition: 176,000  
Other: 504,000  
Total: 680,000  
Recycled: 142,000  
Paper: 337,000  
Glass: 87,000  
Metals: 99,000  
Organic: 342,000  
Source: City of San Diego  
MATT PHILBY / UNIVIS-PROBANT



Construction debris, as seen by a cart at the 45th Street development near Rancho Bernardo, has begun to clog regional landfills. Scott Liswarski / Unis-Probant

## WASTE Exempt projects would include decks, carports

San Diego County is watching to see how the city handles the proposal.

Dennis Turbyfill, who oversees the county's recycling program, said county leaders haven't settled on their approach yet.

"We must make sure that we are consistent with all the other jurisdictions because if you are a developer... you don't want to have different rules in different places," she said.

An ordinance, San Diego's recycling mandate would apply to construction, remodeling and demolition projects starting in 2005. Deposits would be paid when applying for a city permit.

For example, a roof job that includes tearing off old roofing material would be charged a flat fee of \$100. New construction would be charged 30 cents per square foot, or \$400 for a 2,000-square-foot home.

Exemptions would include decks, carports, pools and some plumbing and electrical work.

"It's really not that much time or effort if you are going to try to do something to preserve the quality of life here in San Diego," said Rip Starnes, the city's deputy director of waste reduction.

The deposit system continues to draw opposition from various quarters, just as it has during the last few years of being tested, around by city officials. Contractors call it punitive. Government watchdogs want an audit of the city's recycling fund before "locking a new fee. Business leaders said it is a health tax that will scare residents away from applying for building permits.

"It's creating a bureaucracy around trash recycling," said Cruz Benavente, chairman of the San Diego Regional Chamber of Commerce's infrastructure committee.

The chamber is urging the council to step up an educational campaign about recycling. It also wants San Diego officials to open a recycling facility for unsorted construction and demolition debris, commonly called C&D, before they consider a compulsory program.

"Using the 'carrot approach' of educating people and providing economic incentives will

of \$10,000 a day — though such penalties are unlikely as long as cities show progress. San Diego has until the end of the year to reach the standard or at least prove that it is making a solid effort.

From Santa Rosa to Chula Vista, cities increasingly are looking at ways to regulate construction and demolition debris. The waste makers up at most 22 percent of California's waste streams, nearly double the level in 1998. The state says, but the increase is increasing housing development.

C&D (debris) is one part of the waste stream that has been kind of lost in the game for trying to sort recycling and other materials for the land.

San Diego's recycling rate is 20 percent, but the city is aiming for 30 percent by 2005. A study is under way to see how the city can improve its recycling rate.

Other cities, including San Jose, San Francisco and San Diego, have set up recycling programs for construction and demolition debris. San Diego's program is one of the few that includes paper.

San Diego's recycling rate is 20 percent, but the city is aiming for 30 percent by 2005. A study is under way to see how the city can improve its recycling rate.

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Patrick Ferguson, shown yesterday, is leading recycled carport.

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# Mandatory recycling plan advances

## Construction waste cutback is S.D. goal

By Mike Lee  
STAFF WRITER

San Diego's disputed plan to start a mandatory recycling program for construction and demolition debris moved yesterday to the City Council, which is expected to vote on it by June.

The city is under pressure to divert more garbage from its Miramar Landfill or face possible state fines of \$10,000 a day.

"(San Diego) has got to do something to protect itself," said Councilman Brian Malenchain, chairman of the City Council's natural resources committee.

After two hours of testimony and discussion, the committee ordered that two options for reducing landfill-bound debris from construction and demolition projects be presented to the council. San Diego's decision will set the tone for the region, in which several cities and the county government are trying to boost recycling of building materials.

The original proposal, offered by city staff, would force payment of a deposit with building and demolition permits starting in January. The money — a few hundred dollars for many projects — would be re-

turned when builders or residents proved to the city that they had recycled or reused project debris.

A new option the committee requested yesterday would launch the deposit program only after a facility is built to accept unsorted materials from construction and demolition projects. A city-backed sorting facility at Miramar is expected to be finished next year.

The committee was split on the strategy to collect deposits starting in January. Councilmember Jim Madalser said the sorting facility needs to be in place before the city forces homeowners and contractors to fill out forms and pay deposits.

"This ordinance may be the right ordinance, but it's at the wrong time," he said.

Councilwoman Donna Frye said the city has had 15 years to try voluntary programs since the passage of the state's landmark recycling bill.

"It's time to get serious," she said. "This (ordinance) will help get it done."

Each year, San Diegans toss about 500,000 tons of construction and demolition debris — commonly called C&D — into Miramar and several regional landfills. C&D debris makes up 35 percent of the city's total waste stream.

The tenor of yesterday's meeting suggests the council

will decide on the deposit program this year, rather than waiting until it gets new data about the city's recycling rate.

"San Diego needs to do it. I think the council is finally brave enough," said Richard Anthony, who sits on the San Diego Association of Governments' citizens advisory committee on waste management.

Approximately 20 people testified about the deposit system. Business interests, including the Building Industry Association and the San Diego Regional Chamber of Commerce, oppose a mandate. They asked the city to step up an educational campaign to make contractors aware of recycling opportunities.

"I think you need a little more faith in your citizens ... and a little less faith in bureaucracy," said Matthew Adams, government affairs chief for the builders association in San Diego.

Environmentalists and waste officials from other jurisdictions urged the committee to take a leadership role for the region.

"It's the next logical step in trying to manage our waste stream," said Lynn France, conservation coordinator for Chula Vista.

Much of yesterday's discussion centered on how cash-strapped San Diego could avoid state recycling fines, which

## Recycling proposal

Key elements of San Diego's plan for recycling construction and demolition materials:

- People applying for building or demolition permits would pay a deposit to the city based on project size and type. Pools, decks, carpets, fences and certain small-scale jobs would be exempt.
- Applicants would document their recycling by using city forms, receipts from recycling facilities, written statements and/or photos.
- The city would determine if the applicant earned a refund. Refunds would be prorated for partial recycling.
- If applicants don't request a refund within 180 days, the city would keep the deposit and place it in a fund for waste reduction.

might be levied if the city fails to recycle 50 percent of its waste by year's end.

The city's recycling rate dropped to 45 percent in 2003, the most recent year with official data, down from a high of 48 percent in 2000.

Eugene Tweng, an Agoura Hills waste consultant who is updating San Diego's recycling data, told the council it's uncertain that his study will show the city is doing better than previous studies indicated.

He urged the city to adopt the recycling ordinance.

"It's really very minimal at best," Tweng said. "But it's a starting point."