

**Final  
Supplemental Environmental Impact Report No. 597  
SCH No. 1999041035**

**Response to Public Comments Report  
Second Amendment to the 2001 Prima Deshecha  
General Development Plan**

**County of Orange  
Integrated Waste Management Department  
320 North Flower Street, 4<sup>th</sup> Floor  
Santa Ana, CA 92703**

**April 2007**

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**SECTION 1.0 INTRODUCTION**

The public review period for Draft Supplemental Environmental Impact Report 597 (DSEIR 597) for the Second Amendment to the 2001 General Development Plan extended from September 11 to October 26, 2006. A total of ten (10) comment letters were received on the DSEIR (alphabetical designations below based on date of correspondence). The entities that commented on the DSEIR include:

**Public Agencies**

<u>Commentor</u>	<u>Date of Correspondence</u>	<u>Page for Response</u>
<b>Agencies</b>		
A. Transportation Corridor Agencies	Sept. 19, 2006	A-1
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C. South Coast Air Quality Management District	Sept. 29, 2006	C-1
D. California Department of Transportation	Sept. 29, 2006	D-1
E. State of California Resources Agency, Department of Conservation	Oct. 12, 2006	E-1
F. California Integrated Waste Management Board	Oct. 19, 2006	F-1
G. Capistrano Unified School District	Oct. 20, 2006	G-1
H. City of San Juan Capistrano	Oct. 25, 2006	H-1
J. County of Orange Health Care Agency, Regulatory Health Services, Environmental Health	Nov. 20, 2006	J-1

**Companies, Organizations, and Individuals**

<u>Commentor</u>	<u>Date of Correspondence</u>	<u>Page for Response</u>
<b>Companies</b>		
I. Nossaman, Guthner, Knox & Elliott, LLP, representing Whispering Hills, LLC	Oct. 26, 2006	I-1

Responses to these comments have been prepared according to Section 15088 of the State CEQA Guidelines. Letters received during the public review period have been reproduced in the section that follows. All letters received have been reviewed and substantive comments have been identified. Responses have been prepared and follow each comment letter in Section 2.0 of this "Response to Public Comments Report." Each comment in each letter for which a response is required has been numbered for easy reference.

## **SECTION 2.0 COMMENT LETTERS AND RESPONSES**



San Joaquin Hills  
Corridor Agency  
  
Chairwoman:  
Carmen Vail-Cave  
Aliso Viejo



Foothill/Eastern  
Corridor Agency  
  
Chairman:  
Jim Thor  
Rancho Santa Margarita

September 19, 2006

Rochelle Carpenter  
County of Orange  
Integrated Waste Management Department  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

**Subject: Notice of Availability  
Draft Environmental Impact Report No. 597; Second Amendment to the  
2001 General Development Plan, Prima Deshecha Landfill**

Dear Ms. Carpenter:

The Transportation Corridor Agencies (TCA) wishes to thank you for the opportunity to review and comment on the above-mentioned environmental notification. The TCA has reviewed the notification and has no comments at this time.

Should you have any questions or concerns regarding this information, please feel free to contact me at (949) 754-3483.

Sincerely,

Macie Cleary-Milan  
Deputy Director  
Environmental Planning

**A. Transportation Corridor Agencies (September 19, 2006)**

Letter contains no comments requiring a response.



ASSOCIATION of GOVERNMENTS
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Los Angeles County: Yvonne B. Burke, Los Angeles County - Zev Yaroslavsky, Los Angeles County - Jim Aldinger, Manhattan Beach - Harry Baldwin, San Gabriel - Paul Bowen, Cerritos - Todd Campbell, Burbank - Tony Cardenas, Los Angeles - Stan Carroll, La Habra Heights - Margaret Clark, Rosemead - Gene Daniels, Paramount - Mike Dispenza, Palmdale - Judy Dunlap, Inglewood - Rae Gabelich, Long Beach - David Galin, Downey - Eric Garrett, Los Angeles - Wendy Gravel, Los Angeles - Frank Gurule, Cudahy - Janice Hahn, Los Angeles - Isadore Hall, Compton - Keith W. Hanks, Azusa - Jose Huizar, Los Angeles - Tom LaBonge, Los Angeles - Paula Lantz, Pomona - Paul Nowatka, Torrance - Pam O'Connor, Santa Monica - Alex Padilla, Los Angeles - Bernard Parks, Los Angeles - Jan Perry, Los Angeles - Ed Reyes, Los Angeles - Bill Rosendahl, Los Angeles - Greg Smith, Los Angeles - Tom Sykes, Walnut - Paul Talbot, Alhambra - Mike Ten, South Pasadena - Tomia Reyes, Orange, Long Beach - Antonio Villalpando, Los Angeles - Dennis Washburn, Calabasas - Jack Weiss, Los Angeles - Herb J. Wesson, Jr., Los Angeles - Dennis Zine, Los Angeles
Orange County: Chris Norby, Orange County - Christine Barnes, La Palma - John Beauman, Brea - Lou Bone, Tustin - Art Brown, Buena Park - Richard Chavez, Anaheim - Debbie Cook, Huntington Beach - Leslie Daigle, Newport Beach - Richard Dixon, Lake Forest - Paul Gaaab, Laguna Niguel - Marilyn Poe, Los Alamitos
Riverside County: Jeff Stone, Riverside County - Thomas Buckley, Lake Elsinore - Bonnie Flickinger, Moreno Valley - Ron Loveridge, Riverside - Greg Pettis, Cathedral City - Ron Roberts, Temecula
San Bernardino County: Gary O'vitt, San Bernardino County - Lawrence Dale, Barstow - Paul Eaton, Montclair - Lee Ann Garcia, Grand Terrace - Tim Jasper, Town of Apple Valley - Larry McCallion, Highland - Deborah Robertson, Rialto - Alan Wapner, Ontario
Ventura County: Judy Mikels, Ventura County - Glen Becerra, Simi Valley - Carl Morehouse, San Buenaventura - Tom Young, Port Huemene
Orange County Transportation Authority: Lou Correa, County of Orange
Riverside County Transportation Commission: Robin Lowe, Hemet
Ventura County Transportation Commission: Keith Millhouse, Moorpark

September 28, 2006

Ms. Rochelle Carpenter
County of Orange, Integrated Waste
Management Department
320 N. Flower Street, Suite 400
Santa Ana, CA 92703

RE: SCAG Clearinghouse No. I 20060622 Second Amendment to the 2001 General Development Plan, Prima Deshecha Landfill

Dear Ms. Carpenter:

Thank you for submitting the Second Amendment to the 2001 General Development Plan, Prima Deshecha Landfill for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the Second Amendment to the 2001 General Development Plan, Prima Deshecha Landfill, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's September 1-15, 2006 Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1857. Thank you.

Sincerely,

Laverne Jones (handwritten signature)

LAVERNE JONES
Planning Technician
Intergovernmental Review

Doc #127612

**B. Southern California Association of Governments (September 28, 2006)**

The proposed project has been found to be not regionally significant per CEQA Guidelines (Section 15206). Letter contains no comments requiring a response.



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

**FAXED: SEPTEMBER 29, 2006**

September 29, 2006

Ms. Rochelle Carpenter  
County of Orange  
Integrated Waste Management Department  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

Dear Ms. Carpenter:

**Draft Supplemental Environmental Impact Report (DSEIR) 597  
Second Amendment to the 2001 Prima Deshecha Landfill  
General Development Plan (September 2006)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. As noted on page 5-27, the proposed project will not result in a change in air quality emissions beyond those identified in the FEIR 575. As a result, SCAQMD staff has no comment except the following.

In Volume 1 of the DSEIR, Section 4.3.3: Regulatory Requirements for Implementation, under subsection on Landfill Operating Permits, and also Volume 2, Section 4.0, it should be added that the Prima Deshecha Landfill is subject to the National Emission Standard for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63 Subpart AAAA. In addition, it should be mentioned that the facility was issued a Title V permit in April 2004 by the SCAQMD which replaced the individual SCAQMD permits listed on page 4-14 in Volume 1 of the DSEIR in accordance with Regulation XXX.

Please contact Charles Blankson, Ph.D., Air Quality Specialist - CEQA Section, at (909) 396-3304 if you have any questions regarding the above comments.

Sincerely

*Steve Smith*

Steve Smith, Ph.D.  
Program Supervisor, CEQA Section  
Planning, Rule Development & Area Sources

SS:CB

ORC060912-05  
Control Number

} 1

**C. South Coast Air Quality Management District (September 29, 2006)**

*Response to Comment No. 1*

This comment is acknowledged. Section 4.3.3 of SEIR 597 and Section 4.0 of Amendment No. 2 to the GDP (in Volume 2 of SEIR 597) are hereby amended to indicate that the Prima Deshecha Landfill (PDL) is subject to the National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 CFR Part 63 Subpart AAAAA). The text on page 4-15 of SEIR 597 is also amended to indicate that a Title V permit was issued for the PDL in 2004, which replaced the individual SCAQMD permits listed on page 4-14.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12  
3337 MICHELSON DRIVE  
SUITE C380  
IRVINE, CA 92612-1699  
PHONE (949) 724-2000



*Flex your power!  
Be energy efficient!*

September 29, 2006

Rochelle Carpenter  
County of Orange, Integrated Waste Management  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

IGR/CEQA  
SCH# 1999041035  
SEIR No. 597  
Log# 513D  
SR- 74

Dear Ms. Carpenter:

Subject: Second Amendment to the 2001 General Development plan, Prima Deshecha Landfill

Thank you for the opportunity to review and comment on the **Supplemental Draft Environmental Impact Report (SEIR) No. 597 for the Second Amendment to the 2001 General Development Plan (GDP) at the Prima Deshecha Landfill (PDL)**. The SEIR evaluates the environmental impacts associated with the implementation of the Second Amendment to the 2001 GDP and document the potential impacts of the proposed project related to geophysical resources, soils, hydrology/water quality, air quality and biological resources.

Caltrans District 12 is a commenting agency and has no comments.

Please continue to keep us informed of projects that may impact our State Transportation Facilities. If you have any questions or comments, please contact Lynne Gear (949) 724-2241.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ryan P. Chamberlain".

Ryan P. Chamberlain, Branch Chief  
Local Development/Intergovernmental Review  
District 12

cc: Terry Roberts, OPR

**D. California Department of Transportation (September 29, 2006)**

Letter contains no comments requiring a response.





DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731

PHONE 714/816-6847 • FAX 714/816-6853 • WEB SITE conservation.ca.gov

October 12, 2006

Ms. Rochelle Carpenter
County of Orange, Integrated Waste Management Department
320 North Flower Street, Suite 400
Santa Ana, California 92703

Subject: Draft Supplemental Environmental Impact Report 597, Second Amendment to the Prima Deshecha General Development Plan, SCH# 199041035

Dear Ms. Carpenter:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California.

The proposed project is located outside the administrative boundaries of any oil and gas field. However, there is one idle well and four plugged and abandoned wells within or in proximity of the project boundaries. These wells are identified on Division map W-1-4 and in records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.



**Ms. Rochelle Carpenter, County of Orange, Integrated Waste Management Department**

October 12, 2006

Page 2

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division's Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

A handwritten signature in cursive script that reads "Paul Frost".

Paul Frost  
Associate Oil & Gas Engineer

**E. State of California Resources Agency, Department of Conservation  
(October 12, 2006)**

*Response to Comment No. 1*

In coordination with the Department of Conservation (Department), three potential abandoned wells have been identified that could be near the proximity of the PDL property line in the northerly direction. It does not appear these sites are within the revised limits of disturbance for the Proposed Project. If any are encountered within this area, they will be avoided if possible; if they cannot be avoided and are in an area of grading impact required for project features or landfill activities, the IWMD will work with the Department to coordinate required remedial operations per Department protocols.



LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION



ARNOLD SCHWARZENEGGER  
GOVERNOR

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
(916) 341-6000 • WWW.CIWMB.CA.GOV



MARGO REID BROWN  
CHAIR,  
MBROWN@CIWMB.CA.GOV  
(916) 341-6051

October 19, 2006

JEFFREY DANZINGER  
JDANZINGER@CIWMB.CA.GOV  
(916) 341-6024

Ms Rochelle Carpenter  
County of Orange - Integrated Waste Management Department  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

ROSALIE MULÉ  
RMULE@CIWMB.CA.GOV  
(916) 341-6016

**Subject: SCH No. 1999041035:** Draft Supplemental Environmental Impact Report 597, Second Amendment to the 2001 Prima Deshecha General Development Plan for Prima Deshecha Sanitary Landfill - Solid Waste Facilities Permit (SWFP) No. 30-AB-0019, Orange County

CHERYL PEACE  
CPEACE@CIWMB.CA.GOV  
(916) 341-6039

Dear Ms Carpenter:

GARY PETERSEN  
GPETERSEN@CIWMB.CA.GOV  
(916) 341-6035

Thank you for allowing the California Integrated Waste Management Board's (Board) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PAT WIGGINS  
PWIGGINS@CIWMB.CA.GOV  
(916) 341-6010

Board staff has reviewed the environmental document cited above and offers the following project description, analysis and our recommendations for the proposed project based on our understanding of the project. If the Board's project description varies substantially from the project as understood by the Lead Agency, Board staff requests incorporation of any significant differences in the Final Supplemental Environmental Impact Report.

} 1



### PROPOSED PROJECT DESCRIPTION

The Orange County Integrated Waste Management Department, acting as Lead Agency, has prepared and circulated this Draft Supplemental Environmental Impact Report in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project. This proposed project, Amendment No. 2, consists of the following changes and/or additions to the existing approved project:

- Changes in the limits of disturbance and other impacts associated with implementation of landslide remediation measures and/or the accommodation of landfill infrastructure and environmental control systems throughout the landfill.
- Redesign of the de-silting system for Zone 4.
- Development of features for sustaining biological resources affected by impacts to spring flows resulting in Zone 4 build-out.
- Presentation of excavation phasing scenarios with in Zone 4.
- Development of a pre-mitigation program to offset project related biological impacts.
- Development of a Regional Enhancement Program to identify environmental enhancement opportunities on site.

**Current Entitlements**  
Prima Deshecha

<b>Entitlements</b>	<b>Current</b>	<b>Proposed</b>
Peak Tonnage	4000 tons per day	No Change
Peak Traffic	1797 vehicles per day	No Change
Permitted Area	1530-acres	No Change
Maximum Elevation	1010 ft above mean sea level	No Change

From March 2, 2004 Solid Waste Facilities Permit

There are 3 new areas of significant impact to health, safety and the environment, through mitigation measures, 2 will be reduced to a level of less than significant.

Mitigated to a level of less than significant

- Biological Resources
- Utility and Service Systems

Not mitigated to a level of less than significant – Requiring a Statement of Overriding Considerations

- Air Quality (Particle Emissions (PM<sub>10</sub>) Control and Mobile Equipment Emission Control)

**BOARD STAFF'S COMMENTS**

As a Responsible Agency for Solid Waste Facilities Permit concurrence, Board staff will conduct an environmental analysis for this project, using the Draft Supplemental Environmental Impact Report developed by the Lead Agency, in accordance with Title 14, California Code of Regulations (14 CCR), Section 15096.

**Solid Waste Facilities Permit**

The proposed changes in Prima Deshecha Landfill will most likely require a revision to the existing Solid Waste Facilities Permit; the final decision will be made by the Local Enforcement Agency.

} 2

**Construction**

During the implementation and construction phases of this proposed project if any buried waste is encountered or any of the existing waste cells are encroached upon the proponent must notify the Local Enforcement Agency immediately and subsequently the Board.

} 3

**Changes in Landfill Operation**

From the environmental document it is Board staff's understanding that there will be no increase in the landfill prism, trash capacity or operational life of the landfill facility as a result of the proposed project, nor will ongoing landfill operations be adversely affected. If the above statement is not correct or there are significant changes to the proposed project Board staff need to be notified immediately.

} 4

**State of Overriding Considerations**

Please forward a copy of the Statement of Overriding Considerations to Board staff prior to adoption for our review. In order for the Board to concur on a Solid Waste Facilities Permit with significant impacts after mitigation, it is necessary to either adopt your Statement of Overriding Considerations as their own or prepare a separate Statement of Overriding Considerations.

} 5

**SUMMARY**

The Board staff thanks the Lead Agency for the opportunity to review and comment on the Draft Supplemental Environmental Impact Report 597, Second Amendment to the 2001 Prima Deshecha Development Plan and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

The Board staff requests copies of any subsequent environmental documents including, the Final Supplemental Environmental Impact Report, the Report of Facility Information/Joint Technical Document, any Statements of Overriding Considerations, copies of public notices, and any Notices of Determination for this project.

Please refer to 14 CCR, Section 15094(d) that states: "If the project requires discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with Office of Planning and Research [State Clearinghouse]."

October 19, 2006

Board staff requests that the Lead Agency provide a copy of its responses to the Board's comments at least ten days before certifying the Final Supplemental Environmental Impact Report 597. Refer to Public Resource Code Section 21092.5(a).

If the document is certified during a public hearing, Board staff request ten days advance notice of this hearing. If the document is certified without a public hearing, Board staff requests ten days advance notification of the date of the certification and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6728 or via email at [rseamans@ciwmb.ca.gov](mailto:rseamans@ciwmb.ca.gov).

Sincerely,



Raymond M. Seamans  
Permitting and Inspection Branch, Region 4  
Environmental Review  
Permitting and Enforcement Division  
**California Integrated Waste Management Board**

cc: Tadese Gebre-Hawariat  
Permitting and Inspection Branch, Region 4  
Permitting and Enforcement Division  
**California Integrated Waste Management Board**

Suzanne Hambleton, Supervisor  
Permitting and Inspection Branch, Region 4  
Permitting and Enforcement Division  
**California Integrated Waste Management Board**

Patricia Henshaw  
County of Orange Health Care Agency  
Environmental Health Division  
1241 East Dyer Road, Suite 120  
Santa Ana, CA 92705-5611

**RECEIVED**

**OCT 27 2006**

**I.W.M.D.**

**F. California Integrated Waste Management Board (October 19, 2006)**

*Response to Comment No. 1*

The fourth bullet of the Board's summary of the project description should be amended to state:

“Presentation of excavation phasing scenario within Zone 4 and update of the filling and excavation phasing scenarios within Zone 1.”

*Response to Comment No. 2*

Based upon guidance received from the County of Orange Health Care Agency (or local enforcement agency to the Board – please see Letter J in this Response to Comments package), the IWMD will prepare a Joint Technical Document amendment to reflect the proposed project features prior to implementation.

*Response to Comment No. 3*

Should any buried waste be encountered or any existing waste cells be encroached upon during proposed project implementation, the IWMD will immediately notify the Local Enforcement Agency (LEA) and, subsequently, the Board.

*Response to Comment No. 4*

The Commentor's understanding of the proposed project is correct; that is, that there will be no change to the landfill prism, trash capacity, or operational life of the landfill facility as a result of the proposed project, and ongoing landfill operations will not be affected.

*Response to Comment No. 5*

A Statement of Overriding Considerations (SOC) will be prepared as part of the Final SEIR. This SOC will be sent to the Board when it becomes available for public release.





# Capistrano Unified School District

*Excellence in Education*

33122 Valle Road, San Juan Capistrano, CA 92675

Telephone (949) 234-9200/FAX 489-8646

**BOARD OF TRUSTEES**

October 20, 2006

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**INTERIM SUPERINTENDENT**

CHUCK McCULLY

County of Orange, Integrated Waste Management District  
ATTN: Rochelle Carpenter  
320 North Flower Street, Suite 400  
Santa Ana, California 92703-5000

RE: Comments on the Draft Supplemental Environmental Impact Report No. 597 for the Second Amendment to the 2001 General Development Plan, Prima Deshecha Landfill

Dear Ms. Carpenter:

Thank you for the opportunity to review and provide comments on the Draft Supplemental Environmental Impact Report (DSEIR) for the Second (2<sup>nd</sup>) Amendment to the 2001 General Development Plan for the Prima Deshecha Landfill. As you may be aware, the Capistrano Unified School District (District) is currently developing a new high school site, San Juan Hills High School, the entrance of which is to be located approximately 1/2-mile north of the Prima Deshecha Landfill along La Pata Avenue. The new high school site is currently under construction, with an opening date scheduled for September 2007.

The District understands that the proposed project would not increase the maximum daily capacity of the landfill beyond that presently allowed under the 2001 General Development Plan (GDP) Environmental Impact Report (EIR) – a total of 4,000 tons per day. It is also understood that the project would not require additional equipment, soil disturbance, or additional vehicle miles traveled beyond what was covered in the 2001 GDP EIR.

In light of the new school development, which was not previously addressed in the 2001 GDP EIR for the landfill, the District has some concerns regarding the impacts of the proposed amendment to the GDP with respect to San Juan Hills High School. Therefore, the District offers the following comments regarding the Integrated Waste Management District's DSEIR.



**Project Components**

The proposed Amendment to the GDP intends to increase the area of grading and landform modification due to new stability concerns that were not previously anticipated by the Integrated Waste Management District (IWMD). As identified in the DSEIR, areas around Zone No. 1 and No. 4 would undergo additional grading work in order to remediate areas of potential landslide and to provide increased slope stability. In addition, Zone No. 5 would undergo improvements associated with the ultimate widening concept for La Pata Avenue per the Orange County Master Plan of Arterial Highways (MPAH). The additional area of impact proposed by the project would total 278 acres. All work would take place within the property boundaries of the landfill.

} 1

Since the time of the 2001 GDP EIR Amendment, the environmental setting north of the landfill has changed to include the San Juan Hills High School, the subject of the District's concern. The DSEIR does not mention the school. Given the location of the landfill in relation to San Juan Hills High School, specific details pertaining to the proposed work with respect to the school site should be considered in the DSEIR.

} 2

The primary areas of environmental concern identified in the DSEIR include: geology and soils, hydrology and water quality, air quality, and biological impacts. Of these environmental concerns, only air quality impacts were identified as potentially significant after mitigation. However, the District believes that the DSEIR does not adequately describe the current environmental setting, nor does it address environmental impacts with respect to San Juan Hills High School.

The District requests that the DSEIR be revised to include analyses of the potential impacts to the school site with respect to the following topics: air quality and noise.

**Air Quality**

The DSEIR revises the air quality impacts assessment to indicate that, even with mitigation in place, the proposed GDP Amendment would have significant unavoidable effects. Namely, the daily emissions from trucks and earth-moving equipment associated with implementation of the GDP amendment would exceed the South Coast Air Quality Management District's (SCAQMD) daily thresholds for criteria pollutants. However, section 5.4 of the DSEIR indicates that the project would not generate additional equipment, additional soil disturbance, or additional vehicle miles traveled beyond that previously covered by the 2001 GDP EIR, due to the fact that, "landslide remediation and related activities are ongoing events at the landfill that were part of the analyzed project." Thus, it is unclear how the IWMD reached the conclusion that impacts of the project would exceed SCAQMD thresholds. Additionally, as documented in the 2001 GDP Amendment EIR, Figure 4.9-1, a

} 3

Rochelle Carpenter  
Integrated Waste Management District  
October 17, 2006  
Page 3

predominant airflow pattern from the landfill is in the north-easterly direction, which raises concern as to how air quality impacts would affect San Juan Hills High School. Since the school site is not addressed in either the 2001 GDP EIR or the proposed 2006 GDP DSEIR, the District has no way to determine the potential air quality impacts to the school site. Therefore, the District requests that the DSEIR be revised to include sufficient analysis, including possible mitigation if need be, regarding the potential air quality impacts to the school site.

**Noise**

The District also notes that the DSEIR does not address potential noise impacts to the school. As stated on page ES-4 of the DSEIR, environmental resources that do not require substantial additional analysis include, among others, noise impacts. However, the grading limits shown around Zone 1, as presented in the DSEIR, Exhibit ES-1, extend north toward the direction of the school site, beyond the grading limits identified in the 2001 GDP EIR Amendment, Figure 3-6. Given the proximity of the school site to the landfill, and that additional work would occur in areas not previously addressed in the 2001 EIR, the District is concerned that noise impacts may adversely affect the school. Therefore, the District requests that a supplemental noise analysis be included as part of the DSEIR to determine the possible effects of the project on the school site.

**Summary**

In conclusion, the Capistrano Unified School District respectfully submits these comments and recommendations for additional analyses and the potential impacts and mitigation with respect to San Juan Hills High School.

Sincerely,



Shawn M. Lohman  
Executive Director, Facilities Planning

Cc: David A. Doomey, Deputy Superintendent, Administrative Services  
M. Andriette Culbertson, Chief Executive Officer, Culbertson, Adams & Associates, Inc.

} 4

## **G. Capistrano Unified School District (October 20, 2006)**

### *Response to Comment No. 1*

The need for site-stabilization measures supporting landfill operations at the PDL is not a new concern; site-stabilization measures have accompanied each phase of landfill development as final designs are prepared. The geotechnical data and remediation efforts associated with the May 1998 Zone 1 landslide, assessed within the 2001 GDP and FEIR 575, demonstrate the landslide potential at the site. The Proposed Project assessed in SEIR 597 better defines and extends the potential limits of temporary grading that might be needed to construct these features in support of future phases of landfill development.

It should be noted that the baseline condition within SEIR 597 for the La Pata Avenue project is the roadway alignment, as shown within FEIR 575. As indicated on page 4-24 of SEIR 597, improvements to La Pata Avenue (while occurring in close geographic proximity to the Proposed Project) have a different project purpose and implementation timeframe from Amendment No. 2 to the 2001 GDP. Accordingly, both projects will, out of necessity, have their own separate design and environmental documentation requirements and will proceed on different schedules. As noted in the comment, all work on this project will occur within the existing landfill boundary.

### *Response to Comment No. 2*

The Comment or questions whether the existing condition is correctly described in light of the Whispering Hills and San Juan Hills High School developments, and requests analysis of air quality and noise impacts to the school site.

The Whispering Hills residential development was considered as a regional project in FEIR 575. The Final Revised and Re-Circulated Environmental Impact Report, Whispering Hills Estates (May 2002 – herein referred to as the “Whispering Hills EIR”) was completed after FEIR 575 was certified in November 2001 and was consequently obligated to address all environmental impacts of siting the development and school in close proximity to an operating landfill. Page 4.1-3 of the Whispering Hills EIR discusses the PDL as an adjacent land use to the Whispering Hills development, referencing DEIR 575 as the planning document presenting activities and long-term operations of the adjacent landfill, and describing Zone 1 as the area of current landfill operations. Pages 4.1-24 through 4.1-26 of the Whispering Hills EIR present the land use and planning as well as cumulative impacts of the High School/193 DU Alternative; this analysis does not indicate that the proposed school alternative is affected by proximity to the operating landfill. SEIR 597 does not alter the refuse prism or refuse filling operations as defined by the 2001 GDP, utilized as a reference in the Whispering Hills EIR; project impacts within SEIR 597 are limited to temporary, short-duration construction grading to be accomplished below the ridgeline crest elevation.

An Initial Study and Addendum to Final Revised and Re-Circulated Environmental Impact Report, Whispering Hills Estates, for San Juan Hills High School (herein referred to as the “IS/Addendum for SJHHS”) was issued as a final document in September 2002. Page 6 of this document describes the Prima Deshecha Landfill as adjacent to the southern boundary of the site. This document was also obligated to have considered the environmental impacts of siting a school in the vicinity of a permitted, operating landfill facility. Page 40 of the IS/Addendum for SJHHS presents the finding of No Substantial Change over impacts identified in the Whispering Hills EIR for land use and planning, confirming the determination that siting the development and school adjacent to the PDL was not a land use conflict affecting project feasibility. Page 29 of the IS/Addendum for SJHHS indicates that the San Juan Hills High School was sited

3,000 feet from the PDL (twice the minimum setback as required by Department of Education guidelines, found in the School Site Selection & Approval Guide), in consideration of the approved project at the landfill at the time of issuance. This siting decision supports the finding of no significant impact to the school facility from ongoing landfill operations. The Proposed Project elements discussed in SEIR 597 do not alter the landfill prism, refuse capacity, traffic volumes, or significant aesthetic impacts over those identified in FEIR 575 and considered in the impact analyses contained within the Whispering Hills EIR and IS/Addendum for SJHHS. The primary purpose of the Proposed Project is to obtain resource agency permits for habitat impacts over a larger area around Zones 1 and 4, to ensure an adequate impact zone (if needed) for implementation of site stabilization measures and landfill support features that were contemplated within FEIR 575, but not sited or environmentally cleared. The proposed project in SEIR 597, while affording the PDL the flexibility of temporarily expanding their grading envelope for short-term construction, does not alter the characteristics of the landfill or its operations in a manner that would significantly and/or adversely increase the overall impacts of the project described within FEIR 575, and analyzed within the Whispering Hills and San Juan Hills High School environmental documents.

Accordingly, there is no change in circumstance relative to the impacts or mitigation measures contained within FEIR 575, as maintained within SEIR 597. However, the text within Section 8.0 Cumulative Impacts of SEIR 597 is here by modified with the following addition as paragraph 2 on page 8-1:

In the period after certification of EIR 575 in November 2001, environmental documentation and subsequent project approvals have been issued for the Whispering Hills residential development, including the San Juan Hills High School project site, near the northern boundary of the PDL property line. The Whispering Hills EIR (May 2002) and the IS/Addendum for SJHHS (September 2002) were issued subsequent to certification of FEIR 575 (November 2001), and considered environmental impacts of the residential development project and school site development in proximity to the PDL as described within FEIR 575. Per Table 1-1 of the FEIR for Whispering Hills, with the exception of air quality, no other project impacts were found to have a level of significance after mitigation. Accordingly, as the proposed project within SEIR 597 does not change or worsen the impacts of the permitted landfill project at the time these documents were approved, there is no cumulative effect.

### *Response to Comment No. 3*

The DSEIR does conclude that, even with mitigation in place, project activities at the PDL would have significant unavoidable effects on air quality. However, as stated in the DSEIR and correctly summarized in this comment, the proposed project for Amendment No. 2 to the GDP will not generate additional equipment, additional soil disturbance, or additional vehicle miles traveled over those analyzed within EIR 575 due to the fact that landslide remediation and related activities are ongoing events at the landfill that were part of the analyzed project in the 2001 GDP. The change in impact conclusion for air quality is associated with a change in the CEQA Guidelines subsequent to certification of EIR 575.

EIR 575 did conclude that project air emissions generated by the landfill component of the 2001 GDP exceeded SCAQMD thresholds of significance; however, project impacts were deemed to be less than significant based upon the provisions contained within Section 15064(h) of the CEQA Guidelines. Section 15064(h) provided that an environmental impact is not significant if it complies with a standard adopted by a public agency for the purpose of environmental protection. The 'standard' cited in EIR 575 to support the conclusion of a less than significant

impact is conformity with landfill-specific SCAQMD air quality standards, which the PDL must meet through permit acquisition in order to continue operation. However, on October 28, 2002 (after finalization of EIR 575), the California Court of Appeal invalidated this provision in Section 15064(h) in its decision in the case of *Citizens for a Better Environment et. al. vs. the California Resources Agency*. Therefore, although project emissions have not changed over previously analyzed levels, the impact designation for air quality effects associated with the original 2001 GDP project has been updated to reflect a conclusion of 'significant after mitigation' based upon this change to the CEQA Guidelines.

As stated above, implementation of the Second Amendment to the 2001 GDP will not change daily or annual maximum project air emissions from the site over those previously assessed for the PDL in EIR 575. As such, the air quality impacts associated with site-stabilization activities, including dust and odor impacts, were adequately evaluated in EIR 575 and the mitigation measures contained therein, including the IWMD's approved Rule 403 Compliance Plan, would apply to all grading activities at the PDL, including the temporary impacts associated with remediation activities proposed in Zone 1. The increase in the limits of temporary disturbance would result in grading activities up to 30 feet closer to Whispering Hills Estates and the San Juan Hills High School at their closest point; however, these grading activities would be temporary in nature, would not result in relocation of refuse filling operations closer to surrounding sensitive receptors, the difference in the proximity of these temporary grading activities would be considered negligible, and would not therefore be expected to affect the results of the air quality analysis in EIR 575.

As a permitted, operating landfill facility at the time that environmental documentation for the San Juan Hills High School was completed, environmental documentation for the school considered the effect of siting the high school in close proximity to an operating landfill. Although the high school was added to the Whispering Hills project description after circulation of EIR 575, both the Whispering Hills EIR and the IS/Addendum for SJHHS considered proximity to the PDL in their analyses and siting determination for the school facility; page 16 of the IS/Addendum for SJHHS indicates that there are no facilities within a half mile of the school that emit hazardous air emissions (and therefore concludes that the project does not expose sensitive receptors to substantial pollutant concentrations). Page 29 of the IS/Addendum for SJHHS also states:

Additionally, the school location is approximately 3,000 feet from the Prima Deshecha Landfill, which borders the southern portion of the Whispering Hills Estates site. The Department of Education offers guidelines regarding locating schools near landfills. These guidelines, found in the "School Site Selection & Approval Guide", require school districts to consider proximity to landfills and other potentially hazardous sites when making school siting decisions...the (School) District has determined that, as with railroad tracks and high-pressure pipelines, a 1,500 foot setback would be a minimum standard. Accordingly, the District's architect of record for this site, PJHM Architects, has included the setback consideration as a high priority in designing the site. Per the adopted plan for the total development, the 160 dwelling unit portion of the project will lie between the high school and the landfill. This places the high school approximately 3,000 feet from the landfill.

Therefore, the Capistrano Unified School District did not find that the siting of a permanent high school facility 3,000 feet from an operating landfill created any adverse environmental impact or exposed students or residents to unacceptable environmental hazards. Consequently, this document does not conclude that the PDL (just over a half-mile from the school site) negatively affects the feasibility of the current school site selection relative to air quality considerations, and

the high school project has begun construction. As all proposed project activities from Amendment No. 2 to the GDP are confined within the property boundaries of the existing landfill, are short-term in duration and do not result in a change in project emissions from the landfill site over those considered within EIR 575, the Whispering Hills EIR and the Addendum/IS for SJHHS, the proposed project does not alter that conclusion.

*Response to Comment No. 4*

The Prima Deshecha Landfill is located within the City of San Juan Capistrano, California. The City of San Juan Capistrano Municipal Code, Section 9-3.531 specifically exempts noise sources associated with construction, repairs, remodeling, or grading of any real property from adherence to the noise standards contained within the code as long as those activities are conducted between the hours of 7 AM to 6 PM Monday through Friday, and 8:30 AM to 4:30 PM on Saturdays and holidays. As the proposed project will be implemented within these timeframes, proposed project construction will be in compliance with the City of San Juan Capistrano Municipal Code and noise impacts are therefore less than significant. It should also be noted that project construction is expected to be short-term.

However, IWMD did complete a supplemental noise study on February 2, 2007, in order to estimate the level of noise that might be generated from proposed project implementation. Although construction activities adjacent to the San Juan Hill High School prevented the measurement of ambient noise conditions at that location, IWMD estimated the effect of construction noise at the high school site utilizing ambient noise measurements taken elsewhere on the Whispering Hills property. As the high school is located approximately 3,300 feet from the proposed project area, construction noise was estimated to be quite low (between 45 dBA and 52 dBA). Notwithstanding, as stated above, the proposed project is in compliance with the City of San Juan Capistrano Municipal Code, and noise impacts are considered less than significant.

Please also see City of San Juan Capistrano, Response to Comment No. 4, and Nossaman et. al., Response to Comment No. 19.

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October 25, 2006

Rochelle Carpenter, Project Manager  
Integrated Waste Management District  
County of Orange  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

Subject: Draft Supplemental Environmental Impact Report (SEIR) 597; Second Amendment to the 2001 General Development Plan (GDP) for Prima Deshecha Canada Landfill (County of Orange, Integrated Waste Management Department)

Rochelle Carpenter:

We appreciate the opportunity review and comment on the subject environmental document prepared by the County's Integrated Waste Management Department for proposed amendments to the 2001 Prima Deshecha Canada Landfill General Development Plan (GDP). From our review of Appendix B of the amendment, we understand that the County's proposed revisions would:

- Provide for slope stability measures without which the Prima Deshecha Canada Landfill would be required to cease operations;
- Accommodate future landfill-related features such as landfill gas (LFG) perimeter probes, and LFG collection header lines;
- Modify the desilting basin location for Zone 4 to avoid sensitive biological resources and unstable areas;
- Implement measures to provide long-term success of the environmental mitigation and restoration components of the GDP.

Further, we understand that the proposed amendments to the 2001 General Development Plan (GDP) will not result in the following changes:

- will not increase the elevation of the final cap resulting in the landfill visually silhouetting above the City's General Plan-designated major ridgelines which frame and enclose the landfill;

} 1

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- will not result in remedial, landslide stabilization grading that requires grading of any General Plan-designated "major ridgeline" within the city of San Juan Capistrano.
- will not result in any change in the County's maximum allowable daily landfill tonnage of 2,000 tons per day (TPD) as established by the Memorandum of Understanding with the City of San Juan Capistrano.

1 cont.

If our understanding of the County's proposed amendments to the 2001 General Development Plan (GDP) is incorrect in any way, please advise us immediately. We also have the following comments.

Potentially Significant Visual Impacts

The Draft SEIR states that, "Although there will be an incremental change to the landscape as a result of proposed landslide stabilization measures, it will not significantly change final surface grading or fill slopes and is not expected to contribute significantly to the aesthetic impacts that were analyzed in EIR 575. It is anticipated that landslide remediation within the revised limits of disturbance and construction of the revised desilting basin system will occur below ridgelines and not pose an aesthetic impact." The Draft SEIR also refers to Mitigation Measure 4.7-1 to mitigate impacts of temporary and permanent landfill activities from sensitive off-site viewsheds (p. 2-32) as follows:

**Mitigation Measure 4.7-1:** During final design and implementation of the GDP landfilling activities, the IWMD shall ensure, to the extent feasible and that funding is available, that the land full disposal areas and associated permanent and temporary landfilling facilities are sited so as to minimize visibility from beyond the site...For landfill areas and/or facilities not able to be sited below intervening protected ridgelines, options for reducing or minimizing views of operations and facilities from off-site sensitive viewsheds may include retention of natural topography, landscaping, berms and other methods as feasible and funding is available."

2

The measure, as written, does not meet the requirements of CEQA because it only requires that the County mitigate off-site visual impacts "to the extent feasible and that funding is available." The County needs to modify this mitigation measure to establish a more definitive commitment to mitigating off-site view impacts, and to comply with the CEQA standard for mitigation.

Potentially Significant Air Quality Impacts

The SEIR notes that the proposed amendments could result in an increase in the grading impact area of 110 acres in Zone 1 and relies on the mitigation measures established by EIR 575. Those mitigation measures were deemed adequate to address air quality impacts based on surrounding land uses at that time. However, surrounding

3

land uses have changed significantly. Given the proximity of new residential development, and potentially sensitive receptors (i.e. high school athletes using facilities at the new San Juan High School scheduled to open in September 2007), the potential impacts of grading-related emissions, especially PM<sup>10</sup> (particulate matter-10 microns) emissions needs to be considered and evaluated in a Subsequent EIR. The air quality impacts of stabilization grading need to be quantified. Depending on the operational timing of grading, prevailing wind direction and speed, air quality impacts could be significant and could result in indirect health hazards to student athletes at the new high school. We recommend the County include mitigation measures which would allow the landfill site manager to temporarily suspend grading when certain conditions occur that would impact air quality at the San Juan High School site.

3 cont.

Potentially Significant Noise Impacts

SEIR 597 concludes that the proposed amendments would not result in any significant noise impacts not previously addressed under EIR 575. The SEIR states, in part, *"Although there will be an incremental change to construction activity at the landfill as a result of proposed landslide stabilization measures, it is not expected to be greater than the noise levels associated with landslide stabilization construction previously covered in EIR 575 and is not expected to contribute significantly to noise levels because of ongoing disposal operations at the landfill."* We are not as confident as the County in concluding that the additional heavy equipment, operating in conjunction with landfill equipment, will not result in additional noise impacts to residences directly to the north.

4

To address the issue of potential noise impacts, we recommend that SEIR 597 include a mitigation measure providing for an acoustic test of the actual operation to confirm whether noise levels would comply with or exceed the City's noise ordinance standards. If operations meet City standards, no further action is necessary. However, if operations were found to exceed City noise standards, the County would be required to take necessary actions to mitigate those impacts.

Should you have any questions regarding our review, or want to arrange a meeting to discuss our comments, please don't hesitate to contact me at (949) 443-6325.

Sincerely,



William Cunningham, AICP  
Interim Planning Director

- cc: William Huber, Assistant City Manager
- Nasser Abbaszadeh, Engineering & Building Director
- Ziad Mazboudi, PE, Senior Civil Engineer
- William Ramsey, AICP, Principal Planner

## **H. City of San Juan Capistrano (October 25, 2006)**

### *Response to Comment No. 1*

The City's understanding of the proposed amendments to the 2001 GDP are correct with one exception: the PDL is currently permitted to accept up to 4,000 tons per day (tpd), not 2,000 tpd. It states on page 2-2 of Appendix B:

The site life for Zone 1 is based on an incremental increase in the disposal rate of up to 2,500 tpd in 2006 to 4,000 tpd by the year 2014. The site life for Zone 4 is based on a daily refuse inflow rate of 4,000 tpd.

Although the wording in this paragraph has been updated for 2006, these tonnages were permitted prior to initiation of the Second Amendment to the GDP.

### *Response to Comment No. 2*

As impacts to surrounding land uses from the project assessed within FEIR 575 were not found to be significant, Mitigation Measure 4.7-1 from EIR 575 was intended as a goodwill action in the event funding was available for implementation for land use, not aesthetic, considerations. As this mitigation measure is not required to bring project impacts below a level of significance, it remains a legitimate mitigation measure from FEIR 575 that will be applied to the Proposed Project. The CEQA standard for mitigation measure feasibility is that it be capable of being accomplished, part of which includes economic factors. The language of the mitigation measure does not affect its validity.

Visual impacts to off-site vantage points from landfilling operations are addressed within EIR 575 under Aesthetic Impacts. Mitigation measures established within FEIR 575 will apply to the Proposed Project in SEIR 597 and consist of landscaping/plantings and berms to minimize visual impacts from grading operations and cut slopes. Grading operations within the revised limits of disturbance will be temporary in duration, and cut slopes will remain below the crest of existing ridgeline elevations. Visual impacts are identified as less than significant, and will be further minimized by the application of the mitigation measures contained within EIR 575.

### *Response to Comment No. 3*

As stated in the DSEIR, the proposed project for the Second Amendment to the GDP will not generate additional equipment, additional soil disturbance, or additional vehicle miles traveled over those analyzed within EIR 575 due to the fact that landslide remediation and related activities are ongoing events at the landfill that were part of the proposed project in the 2001 GDP. Therefore, as explained in more detail in this response, no additional mitigation is needed.

SEIR 597 increases the temporary limits of disturbance around the PDL to afford the landfill flexibility in remediating the effects of potentially unstable geologic conditions when preparing the site for filling operations. The 110 acres around Zone 1 do not represent an increase in total grading area; rather, they represent an area that may be impacted in part by temporary construction in order to adequately implement site stabilization measures and landfill support features. The exact design and timing of construction for remediation features is not known at this time around the future phases of landfill development; accordingly, the specific extent or location of these features within the revised limits of disturbance will be identified as final design is completed. The entire 110 acres is being identified as a conservative area of potential impact in order to support long-term resource agency negotiations for potential impact to biological

resources, in order to ensure that agency permits are in place for any impact to this area once the design requirements of these features within these disturbance limits are known. It is not anticipated that the entire 110 acres will be needed for stabilization and support features, but that a portion of this area, to be determined by future design studies as landfill development progresses, will likely be needed for temporary construction activities.

As stated in SEIR 597, the proposed project for the Second Amendment to the 2001 GDP does not alter air emissions from the project site over those considered within EIR 575. Site stabilization and landfill support features are part of ongoing construction activities at the landfill; Amendment No. 2 alters the boundaries within which these activities may occur on the site. The Whispering Hills residential development was a regional project that was considered in the cumulative impact analysis for EIR 575 based on the project description provided by City of San Juan Capistrano staff at the time of document development. The Whispering Hills project was revised to include San Juan Hills High School after circulation of Draft EIR 575. Accordingly and as stated within both the County comment letter on the Whispering Hills Notice of Preparation (NOP) (letter dated August 20, 2001) and the County comment letter on the Whispering Hills EIR (letter dated January 22, 2002), the Whispering Hills EIR was obligated to consider all the environmental effects of a proposed decision to site a residential development and a school directly adjacent to an operating landfill facility. The Whispering Hills EIR updated the environmental setting in the project area with the residential development and the high school.

Page 29 of the IS/Addendum for SJJHS states:

Additionally, the school location is approximately 3,000 feet from the Prima Deshecha Landfill, which borders the southern portion of the Whispering Hills Estates site. The Department of Education offers guidelines regarding locating schools near landfills. These guidelines, found in the "School Site Selection & Approval Guide", require school districts to consider proximity to landfills and other potentially hazardous sites when making school siting decisions...the (School) District has determined that, as with railroad tracks and high-pressure pipelines, a 1,500 foot setback would be a minimum standard. Accordingly, the District's architect of record for this site, PJHM Architects, has included the setback consideration as a high priority in designing the site. Per the adopted plan for the total development, the 160 dwelling unit portion of the project will lie between the high school and the landfill. This places the high school approximately 3,000 feet from the landfill.

Neither the Whispering Hills EIR nor the IS/Addendum for SJJHS reached a conclusion of significant impact or concern to air quality from landfill operations associated with the interaction of local wind patterns and ongoing landfill grading operations and remediation activities. Both the residential development and the high school have accordingly begun implementing the project. The proposed project in SEIR 597 does not alter air emissions from the site over those considered within FEIR 575 and the Whispering Hills EIR and Addendum to SJJHS, and does not therefore alter the implied conclusion of less than significant impact contained within these earlier documents.

Please see also Capistrano Unified School District, Response to Comment No. 3.

*Response to Comment No. 4*

The proposed project will be implemented between the hours of 7 AM to 6 PM Monday through Friday, and 8:30 AM to 4:30 PM Saturdays/holidays. Accordingly, as Section 9-3.531 of the City of San Juan Capistrano Municipal Code specifically exempts noise sources associated with

construction, repairs, remodeling, or grading of any real property from adherence to the noise standards if construction activities are conducted within these time periods, proposed project construction will be in compliance with the Municipal Code and noise impacts are less than significant.

Notwithstanding, a supplemental noise study was conducted on February 2, 2007, in order to estimate the level of noise that might be generated from proposed project implementation to the north of the project site. Estimates of noise levels during project implementation at three locations on the Whispering Hills property and the San Juan Hills High School site were made, with maximum noise levels ranging from 49 dBA (high school site, 3,300 feet from the project site) to 72 dBA (3-400 feet from the project site). Project construction is expected to be short-term within these revised limits of disturbance.

Since proposed project implementation will adhere to the timeframes established within the City of San Juan Capistrano Municipal Code, the proposed project will be in compliance with the Code and impacts from construction generated noise are less than significant.

Please also see Capistrano Unified School District, Response to Comment No. 4, and Nossaman et. al., Response to Comment No. 19.

10/27/06 Oct. 26, 2006 4:05PM FRB LANDFILL

No.0290 P. 3002,022

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**VIA E-MAIL, U. S. MAIL AND FACSIMILE**

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320 North Flower Street, Suite 400  
Santa Ana, CA 92703

Re: Comments on Draft Supplemental Environmental Impact Report No. 597 --  
Second Amendment to the 2001 General Development Plan (GDP),  
Prima Deshecha Landfill

Dear Ms. Carpenter:

This firm represents Whispering Hills, LLC ("Whispering Hills"), the owner of the residential project that is currently being graded immediately adjacent to the Prima Deshecha Landfill. Whispering Hills is also processing an apartment home community adjacent to the residential site and within the Whispering Hills Planned Community. Both projects will potentially be affected by pre- and post-closure activities at Prima Deshecha. We are sending this letter to express our concerns about the lack of analysis contained in the Draft Supplemental Environmental Impact Report No. 597 ("SEIR 597") for the Second Amendment to the 2001 General Development Plan ("GDP") relative to impacts of the GDP on the Whispering Hills Estates project site, the apartment community and the San Juan Hills High School adjacent thereto.

We appreciated the opportunity to meet with IWMD staff recently and discuss our concerns regarding the potential impact of the GDP on these projects and we also appreciated the County's efforts to address those concerns; nevertheless, many unanswered questions remain and we are providing formal comments on the draft SEIR.

Our general comments on SEIR 597 and background on the Whispering Hills developments are included in this cover letter. Additional specific comments on SEIR 597 are provided in the attachment to this letter ("Attachment I"). As indicated in the attachment, our

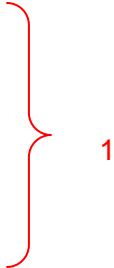
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NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

Rochelle Carpenter  
October 26, 2006  
Page 2

overarching concern is that there have been substantial changes in the project vicinity (see Attachment 2 depicting the location of the additional projects) and therefore, a substantial "change in circumstances" under which the amended GDP is being carried out which requires the preparation of a Subsequent EIR (Pub. Resources Code § 21166, subd.(b), Cal.Code Regs., tit. 14, § 15162, subd. (a)(2)). As further explained in Attachment 1, it is our opinion that SEIR 597 is inadequate as a matter of law.

Finally, please note that Whispering Hills previously commented on March 20, 2001 (see Attachment 3) on DEIR No. 575 for the 2001 GDP and the County's responses (1, 2 and 4) generally redirected our client's requested impact analysis back to the revised Whispering Hills Draft EIR, - stating that the Whispering Hills EIR must address the impacts of the landfill on Whispering Hills rather than the landfill EIR addressing adjacent development. The one exception was Response to Comment No. 3, which admitted that Whispering Hills was inadvertently omitted from the discussion of "Noise Sensitive Planned Future Land Uses" and that Mitigation Measure 4.10-18 should also be applied to the Whispering Hills development (See Attachment 4). We would request that TWMD respond as to how such application will occur and the timing of such mitigation.



Whispering Hills Project History

According to SEIR 597, the "...2001 GDP and its first amendment were accompanied by EIR 575 (Notice of Determination was issued on November 6, 2001)" (p. ES-1).

Since the date that EIR 575 was certified by the County in November 2001, the Final Revised and Recirculated Whispering Hills Estates EIR was certified by the City of San Juan Capistrano (May 2002). There were two alternative projects analyzed in the certified Whispering Hills Estates EIR: one project analyzed a single family detached residential project consisting of 356 dwelling units; the other project analyzed was a reduced density alternative consisting of 193 dwelling units and a 2,000-student public high school. San Juan Hills High School is now under construction.

As part of both the Notice of Preparation (letter dated August 20, 2001) and the draft EIR (letter dated January 22, 2002) public review processes, the County provided comments to the City of San Juan Capistrano on the Whispering Hills Estates EIR, some of which related directly to the proximity of the Whispering Hills Estates project to the Prima Deshecha Landfill and the County's request for mitigation measures to address potential impacts of the landfill on future residential uses on the Whispering Hills site. The City addressed these and other comments during the project approval process and required numerous mitigation measures to address various potential project impacts.

In July of 2003, grading for the San Juan Hills High School commenced. This was seven months before the Notice of Preparation for SEIR 597 was distributed for public review on February 9, 2004. Vesting Tentative Tract Map No. 16634 was subsequently approved by the



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Rochelle Carpenter  
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Page 3

City Council for the 155-lot residential component of Whispering Hills Estates on July 20, 2004. Subsequently, on April 25, 2005 the Capistrano Unified School Board awarded the bid for construction of San Juan Hills High School. This high school is now nearing completion and is scheduled to open in September 2007.

As discussed in the certified EIR for Whispering Hills Estates, documented on the vesting tentative tract map, and analyzed in the CUSD Expanded Initial Study and Addendum to the EIR, access to both San Juan Hills High School and to 140 residential lots in the East Canyon area of Whispering Hills Estates would be from La Pata Avenue, NOT from an extension of Camino Lacouague, as had been envisioned, and, as had been shown on the City's prior General Plan Circulation Element. This represented a significant change from the circulation pattern for Whispering Hills traffic compared to the prior traffic routes identified at the time EIR 575 was prepared and certified.

Further, subsequent to the certification of the EIR for Whispering Hills Estates, the City of San Juan Capistrano issued a Notice of Preparation ("NOP") for the Villa Montana Apartment Homes, a planned 163-unit apartment project to be located within the Whispering Hills Planned Community on an approximately 10-acre parcel of land directly adjacent to La Pata Avenue and the main access point (currently under construction) to the San Juan Hills High School and the 140 residences in the East Canyon of Whispering Hills Estates.

The Villa Montana NOP was circulated for public review between December 23, 2005 and January 23, 2006. The County submitted comments to the City on that NOP, although they were submitted after the end of the comment period (in a letter dated February 15, 2006). As part of that letter, the County requested, among other things, that the traffic study being prepared for the Villa Montana Apartment Homes address circulation system issues related to La Pata Avenue and Ortega Highway.

#### Prima Deshecha Zone 1 Project as Described in SEIR No. 597

Exhibit 2 of SEIR 597, Local Vicinity and General Plan Zones, identifies Zone 1 as being immediately adjacent to the Whispering Hills Estates project site.<sup>1</sup> Zone 1, which is defined as currently containing 327 acres (p. 2-4), is identified as the Zone within which landfill operations are currently taking place. SEIR 597 estimates that closure of Zone 1 will occur "around the year 2019" (p. ES-2).

<sup>1</sup> This conclusion is based on the location of the Whispering Hills Estates project site in relation to the Prima Deshecha Landfill Zone 1. SEIR 597 does not describe or illustrate the Whispering Hills Estates project site, and nothing in SEIR 597 informs the unfamiliar reader of the proximity of the landfill to Whispering Hills Estates. The closest residential pads of Whispering Hills Estates are approximately 100 yards from the expanded Zone 1 "area of temporary disturbance."



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With respect to Zone 1, SEIR 597 analyzes "...the increase in the temporary limits of ground disturbance within and around Zones 1 and 4 that are likely required to construct the landslide remediation features that are needed for site stabilization" (p. ES-2). The extent of these increases in the temporary limits of ground disturbance are defined as follows: "An increase in the temporary limits of disturbance for the 2 landfill zones within the PDL site from 800 acres (2001 GDP) to 1,078 acres. This represents an increase of 278 acres (or 35 percent). Of these 278 acres, approximately 110 acres are around the perimeter of Zone 1 and 168 acres are around the perimeter of Zone 4..." (p. ES-3)

According to the SEIR, this "...increase in acreage is associated with the need to allow for landslide remediation and other landfill-support features...along the perimeter of Zones 1 and 4 are included within the disturbance limits to accommodate future environmental protection systems" (p. 4-2). The "environmental protection systems" are undefined in the draft Supplemental EIR.

Exhibit ES-1 of the SEIR, Proposed Project, shows the approved impact boundary evaluated in EIR No. 575, and the proposed impact boundary analyzed in SEIR No. 597. A substantial portion of the increase in the impact boundary proposed for Zone 1 is immediately adjacent to Whispering Hills Estates.

With respect to Zone 1, then, the SEIR is evaluating an approximate 34% percent increase in the impact boundary for Zone 1, which will occur at a time that is not specified, and is projected to occur for a period of time also unspecified, at some point in the next approximately twelve years. We would suggest more precision is mandated by CEQA.

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Landfill Remediation Area and Potential Impacts of Expanded Disturbance Area

At the two meetings in October, 2006, the County stated several times that nothing in the 2001 GDP has changed; that the landfill plan is essentially the same, and that the refuse footprint is not being expanded.

However, at the same time that the County states that the landfill plan has not changed, the SEIR addresses a substantial increase in the area of disturbance, as summarized above. The source of the confusion appears to be the designation of an expanded area for landfill remediation without the simultaneous description of the activities that will occur in the remediation area. Moreover, the designation of this expanded area is not supported by any technical studies or any illustrations showing the public what the "expanded area," "landfill remediation area," "landfill-support features" or "environmental protection systems" will look like after County landfill activities in that area are complete, not what impacts will occur while these activities are underway. The text on page 4-1 references "the area to be graded in order to remediate unstable geologic conditions." Figures 4.3-2 and 4.3-3 show a proposed buttress schematic and a shear key schematic (which appear to be applicable to Zone 4, not Zone 1). But, the EIR does not address any specific grading, remediation, or stabilization activities within the

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expanded disturbance area. Thus, the EIR reviewer is essentially told that the County will do something within the expanded disturbance area, but that future activity is not described or shown in any figures. We appreciate the guidance provided during our recent meetings relative to the inclusion of these expanded areas to "premitigate" biological impacts with Resources Agencies. However, both Whispering Hills and the City of San Juan Capistrano are entitled to an explanation of the landslide disturbances that may occur in this expanded area, a detailed description of the potential activities in the area, including a definition of landfill-support features and environmental support systems, the probability of landslides occurring and in what locations, and potential remediation activities.

3 cont.

In an effort to understand the County statements that the plan is the same, and clarify the impacts of the remediation area, we provide below a number of statements from the SEIR. We request that the County confirm these statements relative to both the future homeowners and renters in Whispering Hills Estates and Villa Montana and the students and faculty of the San Juan Hills High School. Please confirm that there will be no increase in impacts related to geophysical resources, traffic, noise, air pollution, or visual effects compared to the impacts analyzed in EIR No. 575, as stated in the quotes from EIR 597 below with the recognition of the adjacent residences and high school.

- "The Proposed Project for Amendment No. 2 does not change the landfill refuse prism or the amount of tonnage that is brought into the PDL." (page ES-4).
- "Landfill grading and cut-and-fill slopes remain generally the same as that analyzed within the 2001 GDP, and do not change with the Proposed Project." (page 5-5).
- Geology – Section 5.2.5, Level of Significance after Mitigation. "The Proposed Project has been determined to have no substantial change from previous analyses on geophysical resources." (page 5-8).
- "The Proposed Project would not require additional equipment, additional soil disturbance, or additional vehicle miles traveled (VMT) over and above the project as it was analyzed in FEIR 575 due to the fact that landslide remediation activities are ongoing events at the landfill that were part of the analyzed project. ...air quality emissions would not change." (page 5-18)
- "No additional equipment is anticipated over that used for landslide remediation activities covered under FEIR 575." (page 5-19).
- "The quantity of soil that would be disturbed on a daily basis during landslide remediation activities ... is not anticipated to be greater than the quantity of soil excavated for previous landslide-remediation activities covered under FEIR 575. ...total quantities would not exceed those of the project analyzed in FEIR 575." (page 5-19).
- "Daily VMT would not increase as a result of the Proposed Project." (page 5-19).
- "Although there will be an incremental change to the landscape as a result of proposed landslide stabilization measures, it will not significantly change final surface grading or fill slopes and is not expected to contribute significantly to the aesthetic impacts that were analyzed in EIR 575. It is anticipated that landslide remediation within the revised limits

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of disturbance and construction of the revised desilting system will occur below  
ridgelines and not pose an aesthetic impact.” (page 6-2).

4 cont.

The statements from SEIR 597, quoted above, illustrate that, while the Proposed Project  
expands the landfill remediation area, and thus the disturbance limits of the landfill, the County  
commits to the same overall level of activity as previously approved. As stated in SEIR 597, all  
traffic, equipment, soil disturbance and final surface slope heights will stay within the impact  
envelope identified in the prior EIR 575. It is unclear whether temporary impacts will remain the  
same. We are also concerned with temporary impacts because residents will be living in  
Whispering Hills during the temporary impact period.

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If confirmed, the above-referenced statements provide additional clarification regarding  
impacts of the Proposed Project on the two residential projects and the high school; Whispering  
Hills, nevertheless, requests that the County **expand several of the mitigation measures** to  
ensure that impacts are limited and there is no increase in impacts from the potential temporary  
impact area. The following requested actions identify those mitigation measures that should be  
expanded, to maintain impacts at the level identified in EIR 575, as confirmed in SEIR 597, in  
recognition of the adjacent residential and school developments.

1. **Extend the sound/visual earthen berm on La Pata.** Table 2.2-2 lists this berm, and it  
is shown in the GDP in Appendix D. Table 2.2-2 references the need for the berm to  
“buffer residential units from noise and view of vehicles traveling to Landfill on La  
Pata.” The current text and graphics designate the berm to be nine hundred feet long.  
The berm should be extended to include other areas of La Pata, particularly the area  
adjacent to Whispering Hills Estates, following the same restrictions given in Table 2.2-  
2, designed to minimize right-of-way and to accommodate existing topography as much  
as possible. The relevant graphics that show the berm location should be updated as well.  
Whispering Hills understands that it may be easier to implement this berm in the future as  
part of the La Pata Avenue extension described in SEIR 579. It is requested that the Final  
SEIR 597 include an extended berm as mitigation, with the understanding that the berm  
may not be implemented until the construction of the La Pata Avenue extension,  
referenced in the SEIR for 2012.
2. **Include Whispering Hills Estates as a “Periodic Odor Survey Point”.** (Mitigation  
Measure 4.9-5). This measure references periodic odor surveys on the landfill site and  
“at various points in the area surrounding the site.” (page 5-28). We request that  
Whispering Hills Estates be included as one of the periodic odor survey points, since  
residents of this new community are the most likely City residents to detect any odors  
from Zone 1.
3. **Extend the viewshed protection elements to the Whispering Hills residential area.**  
The Project Description includes “Development and implementation of a comprehensive  
pre-mitigation plan to mitigate for project-related impacts.” One of the goals of the Pre-

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mitigation Plan design is to incorporate viewshed protection elements. (page 4-8). These viewshed protection elements, specifically, a viewshed analysis, should be extended to include the Whispering Hills residential area.

- 4. **Include Whispering Hills Estates in Prima Deshecha Regional Park Needs Analysis.** SEIR 597 references a needs analysis that will be conducted to identify the recreational uses that are compatible with the ongoing conditions and the desires of the general public. (page 2-8). "Once Zone 1 has been closed, ... the area (Zone 1) would be available for interim recreational use during the period of active landfill operations within Zone 4. A needs analysis will be conducted to identify the recreational uses that are compatible with the ongoing conditions and the desires of the general public." (page 2-8). We remind the County that the Zone 1 closure is only eleven years after the first residential occupancies of Whispering Hills Estates (estimated to be at the end of 2007 or beginning of 2008) are expected to occur. We request that the applicable County departments work with the Whispering Hills Homeowners Association as part of the needs analysis and obtain input from those living closest to the landfill/future regional park.

9

Lack of Geotechnical Information to Support Conclusions

SEIR 597 references "additional information" that has become available, and the extension of the ground disturbance area is based on this "additional information." (page 1-2). An "updated assessment of the potential limits of disturbance has been completed for the site based on available geotechnical information." (page 4-2). Yet, SEIR 597 does not reference this information, and it is not provided in an Appendix to the EIR. There is a reference to the prior EIR and a 2002 geotechnical report on Zone 4, and "readily available geologic maps and accompanying data" on page 5-1. The conclusion on geophysical resources is that the Proposed Project would "have no substantial change from previous analyses on geophysical resources." (page 5-8). This is a bald conclusion, without any supporting analysis, or even a reference to a technical study to support this conclusion. An "EIR must contain facts and analysis, not just the bare conclusions of a public agency." (*Santiago County Water District v. County of Orange*, (1981) 118 Cal.App.3d 818, 831.) The geotechnical information that supports the conclusion must be provided to the public in the Subsequent EIR, or, at a minimum, prior to the County certification of SEIR 597.

10

General Development Plan

The proposed amendment to the GDP states: "The 2001 GDP and subsequent amendments takes the current and projected proximity of urban development into account." (Page 1-5). There is no evidence in SEIR 597 that Amendment No. 2 takes the San Juan Hills High School or the Whispering Hills residential development into account. SEIR 597 does not mention the High School or the changes in the Whispering Hills development. SEIR 597 does

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not contain any exhibits or figures that illustrate current or future conditions adjacent to the landfill.

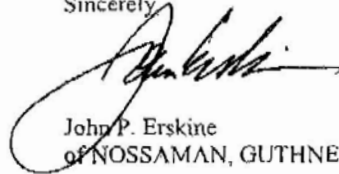
Furthermore, any additions or corrections made in response to these comments should also be reflected in an updated General Development Plan, as appropriate, based on the text of that plan.

Conclusion

We appreciate the opportunity to comment on SEIR 597. Given the serious nature of Whispering Hills concerns, we request that at a minimum, the mitigation measures be expanded as requested and the supporting geotechnical information be provided to the public. In addition, a Subsequent EIR, not a Supplement, should be prepared, and accurate environmental effects of the proposed project -- especially in relation to public health and safety -- should be fully and accurately analyzed.

In light of the inadequacies in SEIR 597 and the lack of supporting analysis and information in the Draft, we reserve the right to provide additional comments prior to County action on the EIR and the project.

Sincerely,



John P. Erskine  
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

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Attachment 1: Additional Specific Comments on Draft SEIR 597  
Attachment 2: Graphic showing Whispering Hills in relation to Prima Deshecha Landfill  
Attachment 3: Whispering Hills, LLC 2001 letter to IWMD  
Attachment 4: IWMD Response to 2001 Whispering Hills letter

cc: Dennis Gage  
Peri Muretta  
Dave Adams, City Manager, City of San Juan Capistrano

Attachment 1

Additional Specific Comments on Draft SEIR 597

Appropriate Environmental Document for Prima Deshecha Proposed Revisions

SEIR 597 states that: "SEIR 597 is a Supplemental EIR authorized by CEQA to address circumstances where changes have been made in the previously analyzed project, but only minor additions or changes are necessary to make the existing EIR (EIR 575) adequate" (p. ES-4). CEQA Guidelines Section 15163(a)(2) does, in fact, allow for a supplement if "...only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation."

However, also according to the CEQA Guidelines (Section 15163[a][1]), a subsequent EIR, rather than a supplement to an EIR, is required to be prepared if more than minor additions or changes necessary to make the existing EIR adequate. A subsequent EIR is required if (CEQA Guidelines Section 16162[a]:

1. "Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The proposed project involves significantly more than "minor additions or changes" to the approved GDP. Based on the fact that "substantial changes are proposed in the project" (i.e., an approximately 34% increase in the impact boundary for Zone 1); "substantial changes occur with respect to the circumstances under which the project is undertaken" (i.e., a major residential project and a high school are currently being

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constructed, and were under development at the time the NOP for the SEIR was circulated for public review and comment); and "new information of substantial importance, which was not known and could not have been known...at the time the previous EIR was certified as complete" is now known (i.e., geotechnical constraints in the form of onsite landslides), a Subsequent EIR is required.

Further, since the Notice of Preparation for the proposed project was distributed for public review, a separate Notice of Preparation for the Villa Montana Apartment Homes was distributed for review, and the County submitted comments on the Notice. Therefore, the County was aware of, and should address, the Villa Montana Apartment Homes project in SEIR 597, or the subsequent EIR that should be prepared.

The subsequent EIR should address the issues below. In the event that the County does not prepare a subsequent EIR, then the Final EIR 597 must address the issues identified below.

Land Use Impacts of GDP Amendment #2 on Whispering Hills Estates

SEIR 597 states that "...the Proposed Project does not result in substantial change from the previous analyses contained within EIR 575 and the analyses and mitigation measures outlined in EIR 575 are adequate to support the Proposed Project. Therefore, no further analysis or additional mitigation is required" (p. 6-1).

This conclusion is not accurate. This statement ignores the changes that have occurred adjacent to the Landfill. These changes are: 1) construction of a high school, 2) clustering of residential land uses, and 3) the elimination of Camino Lacouague as the access point to Whispering Hills Estates. Additionally, the County was notified of the proposal for a 163-unit apartment project.

EIR 575 contains the following mitigation measure (Mitigation Measure 4.7-1) to mitigate impacts of temporary and permanent landfill activities from sensitive off-site viewsheds (p. 2-32):

During final design and implementation of the GDP landfilling activities, the IWMD shall ensure, to the extent feasible and that funding is available, that the landfill disposal areas and associated permanent and temporary landfilling facilities are sited so as to minimize visibility from beyond the site...For landfill areas and/or facilities not able to be sited below intervening protected ridgelines, options for reducing or minimizing views of operations and facilities from off-site sensitive viewsheds may include retention of natural topography, landscaping, berms and other methods as feasible and funding is available."

13 cont.

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As discussed in SEIR 597, EIR 575, which contained this mitigation measure, concludes that, with its implementation, environmental impacts would be less than significant. This mitigation is illusory. Environmental impacts will only be mitigated if funding is available and there is a feasible way to implement the measure. Feasibility of mitigation must be determined prior to EIR certification, not later.

15 cont.

We request that the Subsequent EIR fully evaluate land use impacts of GDP Amendment # 2, including an identification of mitigation measures that are "feasible" and will be funded. If no subsequent EIR is prepared, the County must address these issues before certifying SEIR 597.

16

Visual Impacts of GDP Amendment #2 on Whispering Hills Estates

SEIR 597 states (p. 6-2):

Although there will be an incremental change to the landscape as a result of proposed landslide stabilization measures, it will not significantly change final surface grading or fill slopes and is not expected to contribute significantly to the aesthetic impacts that were analyzed in EIR 575. It is anticipated that landslide remediation within the revised limits of disturbance and construction of the revised desilting basin system will occur below ridgelines and not pose an aesthetic impact.

We disagree with this conclusion. EIR 575 acknowledged in Amendment # 1 to the 2001 GDP that implementation of the project, as proposed at that time, would include viewshed protection requirements to protect Rancho Mission Viejo. These requirements included (p. 2-13), among others:

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1. The requirement that the County conduct a viewshed analysis with respect to the impacts of the landfill's development
2. The requirement that a viewshed protection and landscaping plan would be prepared and implemented if required
3. The requirement that noise, visual, litter and dust screening between landfill operations and adjacent land be implemented.

With respect to these requirements, as well as others identified in SEIR 597, they should be extended to Whispering Hills Estates, Villa Montana apartment homes and San Juan High School. The County was previously notified of future residential uses west of La Pata.

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Air Quality Impacts of GDP Amendment #2 on Whispering Hills Estates

The air quality impacts associated with the increase in the grading impact area of 110 acres in Zone 1 need to be evaluated in a Subsequent EIR. At a minimum, these impacts must be addressed prior to certification of SEIR 597. These impacts need to be quantified, by providing cubic yardage of earth movement, and timing for that earth movement.

Further, the Subsequent EIR needs to evaluate the air quality impacts on residents and students who will be located adjacent to the Zone 1 enlarged impact area. The County must demonstrate how the impact area can be expanded without increasing traffic or equipment use.

Dust and odor impacts, in particular, need to be fully evaluated in a Subsequent EIR, or at a minimum, in Final SEIR 597 before it is certified.

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Noise Impacts of GDP Amendment #2 on Whispering Hills Estates

As with land use and air quality impact, EIR 597 concludes that noise impacts and change in existing conditions associated with Amendment # 2 to the GDP for Prima Deshecha are non-existent:

Although there will be an incremental change to construction activity at the landfill as a result of proposed landslide stabilization measures, it is not expected to be greater than the noise levels associated with landslide stabilization construction previously covered in EIR 575 and is not expected to contribute significantly to noise levels because of ongoing disposal operations at the landfill. Further, much of this landslide remediation activity is to take place in and around Zone 4, which is farther from sensitive receptor sites than current operations within Zone 1. The Pre-mitigation and Regional Environmental Enhancement Plans support the open space quality of the area and will reduce noise emissions from the project post-closure over potential post-closure uses contained within the 2001 GDP. Therefore, no further analysis is warranted" (p. 6-2).

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The Subsequent EIR needs to fully evaluate the noise impacts associated with landslide stabilization measures for Zone 1 on the adjacent residential development and high school

Further, SEIR 597 refers to mitigation contained in EIR 575 as mitigating noise impacts of the previously-approved project, as follows (p. 2-33):

Although the construction associated with landfilling under the GDP is not anticipated to result in significant noise impacts on residential uses

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adjacent to the site, the IWMD shall reduce landfill operations noise impacts to the extent feasible based on available funds through the use of landscaping, berms at the face of each landfill lift, phased construction of the landfill areas and the use of buffer areas between noise sources and sensitive recreation receptors.

As with land use impacts discussed above, as discussed in SEIR 597, EIR 575, which contained this mitigation measure, concludes that, with its implementation, environmental impacts associated with noise would be less than significant. This mitigation is illusory. Environmental impacts will only be mitigated if funding is available, and there is a feasible way to implement the measure. Feasibility of mitigation must be determined prior to EIR certification, not later.

Please include actual measures to mitigate noise impacts associated with Zone 1 activities in the Subsequent EIR.

20 cont.

Hazards Impacts of GDP Amendment #2 on Whispering Hills Estates

Certified EIR 575 identifies Impact 4.13.4-1 related to methane gas migration: "Potential impacts associated with the generation and surface migration of landfill gas could result from landfilling activities in Zones 1 and 4" (p. 2-30). In response to that impact, EIR 575 contains Mitigation Measure 4.13.4-1, which states (p. 2-30):

The IWMD shall continue to ensure that the design and operation of the GDP landfilling activities include a LFG control system consisting of a network of collection wells, flare stacks and ERF [energy recovery facility] capacity as needed as LFG generation increases, and a monitoring program, basically expanding the existing LFG control system on-site.

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A methane gas line exists within the area of Zone 1 that is proposed for landslide remediation. Yet, this gas line is not discussed. The subsequent EIR should evaluate the potential impacts associated with the need to relocate methane gas lines, and the potential impacts on the adjacent residential development and high school.

Further, Impact 4.2-5 is identified in EIR 575 as follows (p. 2-30): "The potential exists for landfill leachate migration into groundwater through fractured and porous alluvium." In response to this impact, EIR 575 contains the following mitigation measure (p. 2-30): "The IWMD shall continue to operate its existing leachate control system within the active landfill area. In addition, the IWMD shall be required to construct a corresponding leachate control and recovery system in those areas where new liners are constructed and in areas added to the active landfill areas."

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Further, it is our understanding that a technical study was prepared related to groundwater quality for Zone 4. However, no study was prepared for Zone 1, even though there will

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be residents immediately adjacent to its boundaries. The Subsequent EIR needs to fully evaluate potential public health issues related to groundwater quality impacts of the proposed project. At a minimum, this issue must be addressed in SEIR 597 before it is certified.

} 22 cont.

Traffic Impacts of GDP Amendment #2 on Whispering Hills Estates

With respect to traffic impacts, SEIR 597 concludes (p. 6-2):

The Proposed Project elements will not affect short- or long-term traffic conditions, as described in EIR 575, as daily refuse tonnages into the landfill, overall landfill capacity, and land uses on the project site have not changed. Construction of the elements on the Proposed Project will also occur entirely within the boundaries of the PDL, and therefore, no change to the traffic patterns in the surrounding intersections is anticipated... Accordingly, the Proposed Project is expected to have no substantial change from the effects identified in the previous analysis.

The conclusion of no traffic impacts being associated with the project analyzed in SEIR 597 is based, in part, on "land uses on the project site" not having changed. However, land uses surrounding the project site have most definitely changed.

The Whispering Hills Estates project, with all access being from La Pata, includes the development of 140 single family residences (as well as an additional 15 estates in the West Canyon of Whispering Hills Estates). A 2,000-student high school is under construction.

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Further, at the time the GDP was approved in 2001, the remainder of Rancho Mission Viejo was designed for open space (under the County General Plan) and a mixture of sand and gravel (under County zoning). In November 2004, the County certified EIR No. 589 (SCH 2003021141), The Ranch Plan, General Plan Amendment/Zone Change (PA 01-114) for the Ranch Plan, which included 14,000 dwelling units, as well as 3,480,000 square feet of Urban Activity Center, 500,000 square feet of neighborhood center, and 1,220,000 square feet of business park uses.

As part of that EIR for the Ranch Plan, existing trips at the intersection of La Pata and Ortega Highway (based on traffic counts taken in 2002 and 2003) were identified as Level of Service "F" for the existing AM peak hour condition (1.02 ICU), becoming much worse with the implementation of the Ranch Plan (1.23 ICU for the AM peak hour, and 1.05 ICU for the PM peak hour).

These changes in circumstances are required to be addressed in the Subsequent EIR. At a minimum they must be addressed in SEIR 597 before it is certified.



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Further, although the County has plans to widen La Pata south of Ortega Highway, there is no funding in place for these improvements. SEIR 597 discusses future County plans for Ortega Highway at La Pata, and states that they have been "closely coordinated" with SEIR 597; however, an EIR has yet to be prepared for this project. The Subsequent EIR needs to address mitigation of Prima Deshecha traffic on La Pata based on development that has been approved in the vicinity, and in the absence of funding for those improvements.

23 cont.

Finally, the County had notice of the 163-unit Villa Montana Apartment Home project planned within the Whispering Hills Planned Community. On February 15, 2005, nineteen months before the Supplemental EIR was distributed for public review, the County commented on the Villa Montana project Notice of Preparation. Traffic associated with this project should have been included in a traffic analysis for the proposed landfill project.

Geotechnical Impacts of GDP Amendment #2 on Whispering Hills Estates

Potential geotechnical impacts of GDP Amendment # 2 as analyzed in SEIR 597 on Whispering Hills Estates pose a major concern to us, as they pose significant health and safety concerns.

Quantities of cut and fill are undefined. Length of grading operations to accomplish the landslide remediation associated with Zone 1 are not defined. Acreages of "impact" are meaningless without a context of the magnitude of grading this actually represents and what the time period for this grading is.

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We were unable to locate a geotechnical analysis in Volume II of SEIR 597. We therefore, followed up with telephone conversations. Based on those telephone conversations with you (9/28, 9/29 and 10/2), it is our understanding that no new geotechnical analyses were completed to address the proposed project evaluated in SEIR 597. Further, the only geology that is available was completed for EIR 575 in October 1999.

This information was confirmed by the SEIR 597 text itself, which states (p. 5-1):

This section provides a summary of the information contained in Section 4.2 of EIR 575 and information contained with landslide remediation actions on site as contained within the *Prima Deshecha Landfill Geotechnical Investigations Report – Zone 4* (GeoLogic Associates, 2002)... The information presented herein regarding impacts and potential mitigation measures for the Proposed Project buildout is based on data and mapped information contained within these reports."

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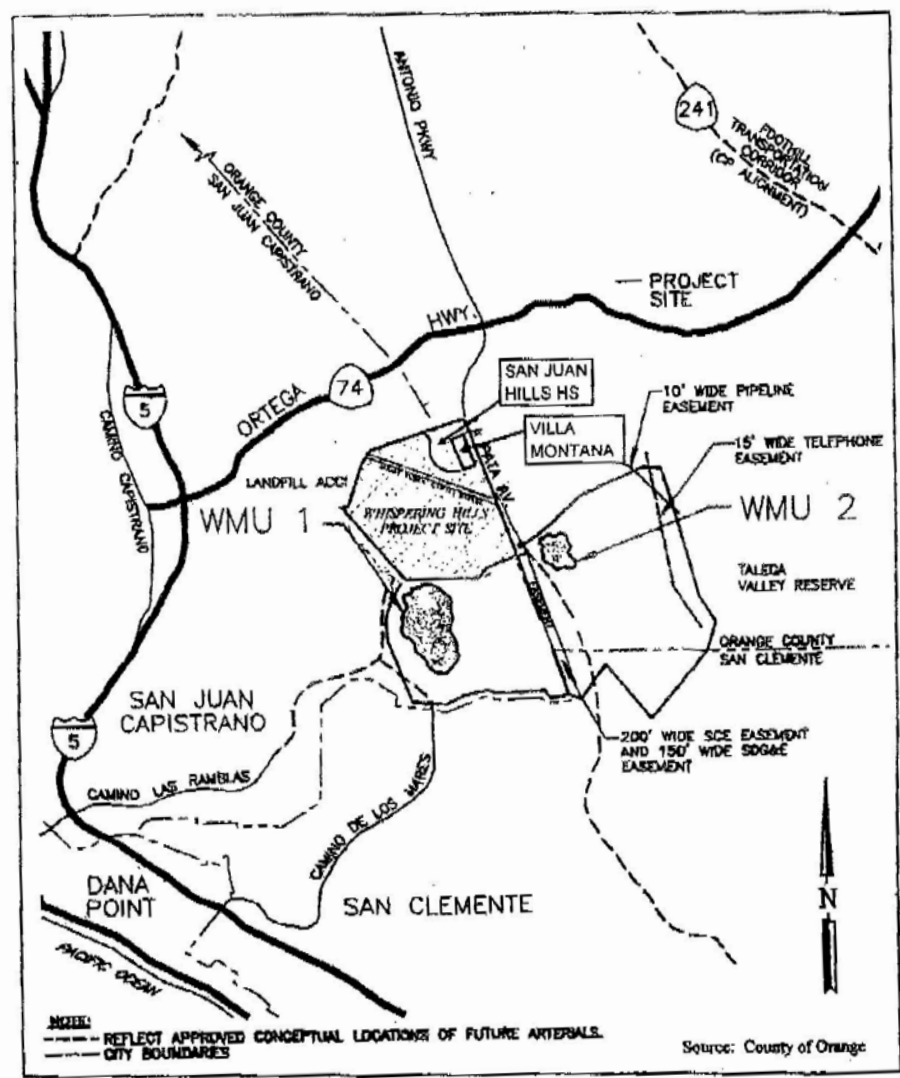
SEIR 597 reaches several conclusions, apparently without geotechnical information related directly to the project analyzed in SEIR 597:

1. SEIR 597 analyzes "...an increase in the temporary limits of disturbance around the perimeter of the 2 landfill zones by approximately 278 acres to accommodate features for site-stabilization purposes and landfill-support activities (Zones 1 and 4)" (p. ES-1). How were the conclusions reached that these are the appropriate limits? How were the boundaries for this increase in the limits of defined? 25
2. SEIR 597 states (p. 3-1) that although "...final landslide remediation design plans will not be prepared until closer to the time that liner construction is scheduled (anticipated by 2008 for the last major phase in Zone 1...), potential disturbance limits have been identified in the SEIR 597 Proposed Project based on available geotechnical information for the site." How could available geotechnical information be utilized if the increase in limits of disturbance for the site was not previously contemplated? 26
3. The Notice of Preparation ("NOP") for SEIR 597 is contained in Volume II. The even pages are missing, posing a problem in understanding the contents of the NOP; however, the NOP states: "As evidenced by the landslide which occurred at the site in 1998, slope instability is problematic throughout the PDL site." SEIR 597 (p. 2-1) also states: The 2001 GDP...incorporates actions required for remediation of a landslide which occurred in May 1998 in a stockpile area south of the Prima Deshecha Canada stream... This landslide was first observed on May 21, 1998, following severe El Nino rains." SEIR 597 acknowledges pervasive stability issues. SEIR 597 documents previous landslides. If it is known that landslides are a pervasive problem, and that they occur within the landfill site, how can Whispering Hills, as the adjacent landowner, be sure that the boundaries of the landslide stabilization are accurate, when those boundaries are not based on geotechnical information prepared specifically for the proposed project? 27

The Integrated Waste Management District must take seriously potential health and life safety effects on future Whispering Hills residents and San Juan Hills High School students by completing a comprehensive, accurate geotechnical investigation for the proposed project. This comprehensive geotechnical analysis should be discussed in the Subsequent EIR that is required. At a minimum, the geotechnical information that supports the conclusions in SEIR 597 must be provided to the public before the EIR is certified. 28

4.1 LAND USE AND PLANNING

DRAFT REVISED AND RECIRCULATED EIR



**Exhibit 4.1-2. Prima Deshecha GDP Zones**  
Not to scale

**WHISPERING HILLS, LLC**  
19700 Fairchild Road, Suite 120  
Irvine, CA 92612  
949-833-1100 FAX 949-833-0477

**Letter I**

March 20, 2001

Robert Richmond  
Integrated Waste Management  
Department  
Regulatory Compliance  
320 North Flower Street  
Suite 400  
Santa Ana, CA 92703-5000

RE: Draft Environmental Impact Report No. 575 – Prima Deshecha 2001 General  
Development Plan

Dear Mr. Richmond:

Whispering Hills, LLC, is the owner of the 356-acre parcel of land located immediately adjacent to the northern boundary of the Prima Deshecha Landfill, west of La Pata Avenue. Draft Environmental Impact Report (“DEIR”) No. 575 for the Prima Deshecha 2001 General Development Plan addresses the Whispering Hills project site in several places in the DEIR.

1 P. 4.7-9 of DEIR No. 575 identifies the Whispering Hills project as it was proposed when the Whispering Hills Draft Environmental Impact Report was originally circulated for public review in the spring of 2000. The Whispering Hills Draft Environmental Impact Report is currently being revised and will be re-circulated some time in the next few months.

2 DEIR No. 575 states that the Whispering Hills “...project proposes no ingress/egress off La Pata Avenue.” The revised Whispering Hills Draft Environmental Impact Report will include project access from La Pata Avenue. The potential circulation system impacts of the project analyzed in DEIR No. 575 should include La Pata Avenue access by the Whispering Hills project.

3 Additionally, the revised Whispering Hills Draft Environmental Impact Report will include a land use plan containing a high school on the Whispering Hills project site. The potential environmental impacts of the project analyzed in DEIR No. 575 should be evaluated in relation to a potential high school on the Whispering Hills project site. A P. 4.10-9 of DEIR No. 575 contains a section entitled, “Noise Sensitive Planned Future Land Uses”. It identifies other “development plans in the area” that are “proposed north

Attachment 3



Robert Richmond  
March 20, 2001

of the site, west of La Pata Avenue in the City of San Juan Capistrano." However, most of the projects listed are existing development, not planned future land uses. Further, the Whispering Hills project site is not identified as a "noise sensitive planned future land use", although the Whispering Hills project site is located immediately north of the Prima Deshecha Landfill project site. Whispering Hills should be identified as a "noise sensitive planned future land use" and any potential noise impacts associated with the Prima Deshecha Landfill on the Whispering Hills project should be identified.

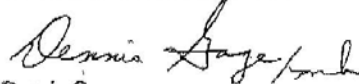
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Chapter 7.0 of DEIR No. 575 addresses cumulative impacts related to the 2001 General Development Plan for Prima Deshecha. The cumulative impacts of the Whispering Hills project site, with access to La Pata Avenue, and with a potential high school, need to be analyzed.

We appreciate your consideration of the Whispering Hills project in DEIR No. 575. Please do not hesitate to contact me at (949) 833-1100 if you have any questions.

Sincerely,

**WHISPERING HILLS, LLC**



Dennis Gage  
Managing Member

C. C. J. Amstrup, City of San Juan Capistrano  
Gary Brockman, Capistrano Unified School District  
Tom Tomlinson, City of San Juan Capistrano

I. **Whispering Hills, LLC (March 20, 2001)**

*Response to Comment No. 1*

The project description presented on p. 4.7-9 of the Draft EIR correctly assumed that the Whispering Hills property would be developed in accordance with the project described in the Whispering Hills Draft EIR. That project description was provided by the City of San Juan Capistrano staff when requested to identify "related projects" located in the City of San Juan Capistrano in the vicinity of the 2001 Prima Deshecha GDP property. Following the circulation of the 2001 Prima Deshecha GDP Draft EIR, the Whispering Hills project was revised, as indicated in this comment. However, the Prima Deshecha Draft EIR reflected the most current information available at the time of its circulation and it describes the relationship of the Whispering Hills project to the proposed 2001 Prima Deshecha GDP. Therefore, the revised Whispering Hills Draft EIR must provide a discussion of the relationship of the 2001 Prima Deshecha GDP to the revised Whispering Hills project.

*Response to Comment No. 2*

As indicated in Response to Comment No. 1, the relationship of the 2001 Prima Deshecha GDP to the proposed (revised) Whispering Hills project must be evaluated in the Whispering Hills Draft EIR that will be recirculated. This evaluation must include a discussion of the circulation characteristics, including ingress and egress and access from La Pata Road.

*Response to Comment No. 3*

Because the Whispering Hills project was revised to include a high school after the circulation of the 2001 Prima Deshecha Draft EIR, it will be necessary to ensure that the Draft EIR prepared for the Whispering Hills project, as revised, includes an evaluation of the potential impacts associated with the location of a high school in proximity to an operating landfill. It is important to state that the 2001 Prima Deshecha GDP proposed by IWMMD does not change the land use adopted for the site. As a result, neighboring developments should account for an active landfill on the 1,530-acre Prima Deshecha property. This comment indicates that the Whispering Hills project was omitted from the discussion of "Noise Sensitive Planned Future Land Uses." This omission was inadvertent and it is agreed that the Whispering Hills development does constitute a noise sensitive land use. As such, MM 4.10-1 (refer to p. 4.10-18) which requires that the IWMMD reduce noise impacts associated with landfill operations to the extent possible also applies to the Whispering Hills development.

*Response to Comment No. 4*

The 2001 Prima Deshecha GDP proposes no change in the existing use of the property as an operating solid waste facility, or in the intensity of that use (maximum daily tonnage), which determines traffic demand on La Pata Avenue. CEQA places the responsibility on the adjacent landowner to address its development impacts on the existing landfill operation which does not change significantly as a result of the 2001 Prima Deshecha GDP. As indicated above, it will be incumbent on the author of the revised Whispering Hills Draft EIR to include a discussion of the cumulative impacts associated with a high school now proposed for the Whispering Hills property.

**I. Nossaman, Guthner, Knox & Elliott, LLP, representing Whispering Hills, LLC  
(October 26, 2006)**

*Response to Comment No. 1*

The Prima Deshecha Landfill is located within the City of San Juan Capistrano, California. The City of San Juan Capistrano Municipal Code, Section 9-3.531 specifically exempts noise sources associated with construction, repairs, remodeling, or grading of any real property from adherence to the noise standards contained within the code, as long as those activities are conducted between the hours of 7 AM to 6 PM Monday through Friday, and 8:30 AM to 4:30 PM on Saturdays and holidays. As the proposed project presented within SEIR 597 consists of temporary grading activities within the revised limits of disturbance, these project activities are considered short-term construction. As these temporary construction activities will be implemented within these stipulated timeframes, proposed project construction will be in compliance with the City of San Juan Capistrano Municipal Code and noise impacts are therefore less than significant.

The IWMD is committed to compliance with City of San Juan Capistrano and County of Orange noise ordinances. Mitigation Measure 4.10-1 (incorrectly referenced in this comment as Mitigation Measure 4.10-18) will be applied as necessary to ensure that noise impacts associated with long-term landfill operations (not an element of the proposed project within SEIR 597) to occupied residences in the Whispering Hills development remain within the parameters set forth in these ordinances.

*Response to Comment No. 2*

CEQA does not require a more detailed project description than what is provided. The project description should not supply extensive detail beyond that needed for project review and may describe areas without specific sites.

Build-out of Zone 1 is expected to occur by the year 2019. The specific implementation timing for individual development phases may vary based upon factors as elaborated upon within Section 3.5.1 of the Second Amendment to the 2001 General Development Plan (Appendix B to SEIR 597). Although it is anticipated that temporary construction activities within the revised limits of disturbance will have an approximate duration of between three weeks and four months for each development phase, this timeframe could vary based upon geotechnical and regulatory requirements deemed necessary to support specific phase designs.

*Response to Comment No. 3*

As stated within SEIR 597 Section 3.0 (Purpose and Need for the Proposed Project), the limits of temporary disturbance around the active landfill zones at the Prima Deshecha Landfill (PDL) are proposed to be changed to accommodate a greater area for potential future site stabilization measures, future landfill-related support and environmental control features, re-design of the Zone 4 desilting system to minimize biological impacts, and long-term stewardship of on-site environmental resources. Section 3.2 (page 3-2) indicates that landfill-related support and environmental-control features may include: landfill gas perimeter probes; extraction wells and/or header lines; stockpile areas; and/or temporary staging areas. These are fairly typical landfill support features already required features of the existing project.

The extent to which these features need to be accommodated within the entirety of the updated limits of disturbance is not known at this time. Each phase of landfill development is unique; site-specific geotechnical studies are conducted as final designs are prepared prior to phase

development, and would therefore be completed prior to the implementation of any site stabilization measures. These site-specific studies, available to any interested party for information, provide the data used to complete the final design for each phase of landfill development. Specific design requirements and details are not determined until the time of phase development nears. This process, which has been in place at the PDL since the facility began operation, will proceed on a phase-by-phase basis through full landfill buildout projected around 2067.

FEIR 575 utilized site-wide geologic information to document the extent of landslide deposits and accompanying instability on the landfill site. At this time, the next phase of development within Zone 1 (Phase C<sub>3</sub>) is in its design phase. However, consistent with the data presented in FEIR 575 as active landfill operations continue within subsequent phases of Zone 1, and eventually into Zone 4, it is possible that site conditions and future potential changes in regulatory requirements will necessitate installation of these features outside the grading envelope presented in FEIR 575. In a proactive effort to develop a pre-mitigation program to offset impacts to biological resources from ground disturbance should these features be necessary, the IWMD has taken a conservative approach in developing a potential disturbance limit around the perimeter of the site based on a refined assessment of site-wide geologic information, as presented in SEIR 597 Exhibit 5.2-1 (and presented within FEIR 575).

*Response to Comment No. 4*

IWMD confirms that there will be no significant increase in impacts over those assessed in EIR 575 to geophysical resources (outside the immediate area of temporary grading within the expanded limits of disturbance), traffic, noise, air pollution, or visual effects, relative to adjacent residences and the high school.

*Response to Comment No. 5*

As stated above, the Proposed Project within SEIR 597 provides for the potential installation of landslide stabilization and landfill support features around the perimeter of the active landfill areas covered within FEIR 575. The 'impact envelope' has been revised to include additional areas that may be affected by temporary grading activities associated with these features. The temporary grading activities within the revised disturbance limits of the Phase C<sub>3</sub> area to the north of Zone 1 are expected to be of short duration (3 weeks to 3 months), and remain below the top of the ridgeline in elevation. Impacts to neighboring communities are expected to be less than significant from these short-term grading operations, and mitigation measures established within FEIR 575 will reduce these impacts even further.

*Response to Comment No. 6*

The sound/visual earthen berm referenced on Table 2.2-2 was established as a County commitment in a Memorandum of Understanding between the City of San Juan Capistrano and the County of Orange Regarding the Prima Deshecha Landfill (September 1995). The purpose of this commitment was to offset the impacts of noise and views of vehicles traveling to the PDL on La Pata Avenue associated with implementation of the 2001 GDP. The Proposed Project in SEIR 597 does not alter or increase landfill-generated traffic in the area over the levels contained within FEIR 575 and assessed within the Whispering Hills environmental documentation; accordingly, there are no proposed project impacts requiring a change to this established commitment.

*Response to Comment No. 7*

The Proposed Project in SEIR 597 does not alter or increase refuse volumes, refuse prism, or vehicle traffic from levels contained within FEIR 575 and assessed within the Whispering Hills environmental documentation; accordingly, there is no increased impact on surrounding residents from landfill-related odor considerations warranting a change in existing mitigation measures. However, IWMD agrees to use the Whispering Hills development as a periodic odor survey point when fulfilling its established commitment under Mitigation Measure 4.9-5, contained within FEIR 575.

*Response to Comment No. 8*

Viewshed impacts are less than significant, but mitigation measures from EIR 575 for aesthetics and topography will apply (i.e. landscaping will be implemented to reduce visual impact). The top of the ridgeline crest elevation will not be affected, and final landfill grades will not be changed from those presented within FEIR 575. Although these effects are less than significant, mitigation measures established within FEIR 575 for aesthetics and topography will apply; consequently, landscaping plans addressing slope revegetation and berm construction will be developed to reduce any aesthetic impact from visibility of temporary cut slopes.

No viewshed protection is required because although landslide remediation and landfill support features were anticipated within the 2001 GDP and are a part of continuing operations at the site, SEIR 597 assesses the effects of a revised disturbance limit that provides for additional area potentially needed to implement these features. The activities which may occur within this revised disturbance limit include clearing, grubbing, and grading in areas adjacent to the refuse prism in order to ensure that landfill operations continue in a manner which is safe and in compliance with regulatory requirements. These ground-disturbing activities will be temporary in nature, with an estimated construction timeframe of about three weeks to three months for the Phase C<sub>3</sub> area bordering the northern boundary of Zone 1, and will occur below the existing ridgeline crest elevation. Although there may be a permanent alteration in the topography of the adjacent slope that is visible to neighboring communities to the north, it is expected to be a minor change from existing conditions.

*Response to Comment No. 9*

As stated within the Second Amendment to the GDP, a Regional Park Needs Analysis will be conducted as closure of Zone 1 nears in order to identify the needs and desires of the region and communities surrounding the PDL site in assessing alternative post-closure site uses. The County of Orange welcomes the participation of all communities and residents in the area when this process commences. This analysis is anticipated to occur near the year 2019, when Zone 1 is projected to close.

*Response to Comment No. 10*

The “additional information” referenced on page 1-2 of SEIR 597 consists of the “updated assessment of the potential limits of disturbance...based on available geotechnical information” (page 4-2). The geotechnical information assessed for SEIR 597 (presented in Exhibit 5.2-1) is the same geotechnical information contained in FEIR 575, and represents the latest site-wide geologic map available for the PDL. However, for SEIR 597 additional consideration was given to the nature of the existing landslide deposits on site, as well as the proximity of Capistrano Formation materials to these landslide deposits. The IWMD determined it was prudent to expand the potential limits of disturbance in some areas to obtain resource agency clearance for temporary ground disturbance in the event that site stabilization needs to occur in those areas.

Although the geotechnical data assessed for SEIR 597 is not “new”, the environmental analysis of potential ground disturbance has been refined in order to proactively coordinate with the environmental agencies and partners in the region in order to manage the biological resources on site that could be affected by temporary landslide remedial grading activities. As landfill activities progress, additional information regarding site conditions specific to each new phase of landfill development will be obtained; should site conditions and additional geotechnical investigations indicate that stabilization measures in the revised limits of disturbance are needed to support operations, the biological impacts will have been incorporated into a site-wide Pre-mitigation Plan. These site-specific studies, which are prepared prior to the initiation of any phase’s grading activities, are available to any interested party.

*Response to Comment No. 11*

The 2001 GDP and FEIR 575 addressed impacts of the 2001 GDP on the proposed Whispering Hills development based on information available at the time of public review as contained within the Draft EIR for the residential development. Subsequently, the Whispering Hills EIR, certified in May 2002 after certification of FEIR 575 (in November 2001), was considered in proximity to the Prima Deshecha Landfill in the environmental impact analyses for both the Whispering Hills development as well as San Juan Hills High School. As an adjacent active and permitted land use at the time of issuance, page 4.1-3 of the Whispering Hills EIR provides a discussion of the landfill and landfill-related activities at the site including reference to project operations as described in the 2001 GDP. In its comment letter on the Whispering Hills DEIR (January 2, 2002), the County of Orange noted that Exhibit 4.1-2, also included in this comment letter as “Attachment 2” utilized an inaccurate map of the landfill in presenting landfill operations to the general public. The map included in Attachment 2 and the Whispering Hills EIR depicts only the original waste management units at the PDL site, not the entirety of the zones of active landfill operations, as described within the 2001 GDP. Although this was noted in the January 2002 comment letter on the Whispering Hills EIR, this inaccuracy was not corrected. Nevertheless, consistent with correspondence between the County of Orange and Whispering Hills in 2001 and 2002, impacts from landfill activities and operations (including traffic, noise, odor, air quality, and other potential environmental considerations) as contained within the 2001 GDP for both the residential development as well as high school site selection were considered in the Whispering Hills EIR.

Similarly, the IS/Addendum for SJHHS, finalized in September 2002, also considered landfill operations and requirements during school site selection and design. In support of this statement, Page 29 of the Initial Study states:

Additionally, the school location is approximately 3,000 feet from the Prima Deshecha Landfill, which borders the southern portion of the Whispering Hills Estates site. The Department of Education offers guidelines regarding locating schools near landfills. These guidelines, found in the “School Site Selection & Approval Guide”, require school districts to consider proximity to landfills and other potentially hazardous sites when making school siting decisions...the (School) District has determined that, as with railroad tracks and high-pressure pipelines, a 1,500 foot setback would be a minimum standard. Accordingly, the District’s architect of record for this site, PJHM Architects, has included the setback consideration as a high priority in designing the site. Per the adopted plan for the total development, the 160 dwelling unit portion of the project will lie between the high school and the landfill. This places the high school approximately 3,000 feet from the landfill.

Accordingly, the Whispering Hills FEIR and Addendum considered the environmental effects of siting the residential development and high school near the PDL, and concluded that the Whispering Hills project could, in fact, proceed. As SEIR 597 does not incrementally alter the effects of the project as considered within the Whispering Hills and San Juan Hills High School environmental documentation, there are no additional impacts from the Proposed Project.

*Response to Comment No. 12*

Please see responses to Nossaman, et al. comment nos. 4, 5, 6, 8, and 18 regarding the request for expansion of mitigation measures and additional geotechnical information. Please see Response to Comment No. 13 for a response to the request for preparation of a subsequent EIR.

*Response to Comment No. 13*

Section 15163 of the CEQA Guidelines states that:

- (a) The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
  - (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
  - (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

Based on the information presented in SEIR 597 relative to the minor incremental effects of the revised desilting system for Zone 4 and the increase in disturbance limits for temporary grading and landfill support features, only minor changes to FEIR 575 were needed in order to make the document adequate to apply to the proposed project. Accordingly, a subsequent EIR was not required and SEIR 597 only contains the supplemental information addressing these minor changes; all other detailed analyses from FEIR 575 are considered applicable and are incorporated by reference.

The Proposed Project elements analyzed within SEIR 597 are focused on reducing the impacts on biological resources from development of Zone 4 and proactively develop a site-wide Pre-mitigation Plan that: accommodates landfill operations; is fully coordinated with the resource agencies; consistent with regional habitat management plans, and provides for long-term stewardship of the site's natural resources. Typically, coordination and permitting efforts with biological resource agencies has a long lead time. The increase in limits of disturbance around the perimeter of the site is a proactive planning effort for the PDL, if it is found to be necessary to go outside the grading envelope presented in FEIR 575 in order to implement measures that provide for the safe development of future landfill phases (as described within FEIR 575). This approach provides a mechanism to seamlessly do so without interrupting critical landfill operations.

The Proposed Project in SEIR 597 does not alter landfill characteristics covered within FEIR 575 relative to landfill capacity, refuse prism, traffic, air emissions, landfill disposal operations or associated aesthetic effects; it only provides for temporary grading activities for landslide prevention and remediation to allow the landfill to continue to safely operate and maintain compliance with regulatory requirements in the future. The Whispering Hills building pad closest to the area of potential temporary construction was originally set approximately 420 feet from the disturbance limit presented within EIR 575. At this location, the revised limits of disturbance

presented within SEIR 597 are now 390 feet from this building pad (a shift of about 30 feet). The limits of active refuse filling have not changed from the 2001 GDP, and therefore have no additional impact to adjacent communities. The activities within the increased area of disturbance will: consist of earth-moving operations only, be short-term in duration, and remain below the ridgeline crest elevation at the northerly property boundary, with restoration of cut slopes post-construction.

Section 15162 (a) of the CEQA Guidelines state that a subsequent EIR is required if:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects.**

For the reasons stated above, the elements of the proposed project description contained within SEIR 597 do not constitute substantial changes to the project requiring major revision of FEIR 575, and do not create new significant environmental effects or increase the severity of previously identified effects. Although there is a 34 percent increase in the temporary limits of disturbance around Zones 1 and 4, this is a conservative potential disturbance estimate area and may not be needed in total for landfill support features or landslide stabilization. Impacts within this revised disturbance limit will be short-term in duration, and will remain below the ridgeline crest elevation at the northerly property boundary.

The revised conclusion of significant impact for air quality arises from an update of the previous analysis based on a change in the CEQA Guidelines subsequent to certification of EIR 575; the proposed project does not alter or change air emissions from the site over the 2001 GDP levels previously covered in FEIR 575.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effect.**

The Whispering Hills residential development was considered as a regional project in the cumulative impact analysis for FEIR 575 based on the project description provided by City of San Juan Capistrano staff at the time. The Whispering Hills project was revised to include San Juan Hills High School after circulation of Draft EIR 575. Accordingly, and as stated within the County comment letter on the Whispering Hills Notice of Preparation (NOP) (letter dated August 20, 2001) and the County comment letter on the Draft Revised and Re-Circulated Environmental Impact Report, Whispering Hills Estates (November 2001 – herein referred to as the “Whispering Hills EIR”) (letter dated January 22, 2002), the Whispering Hills EIR was obligated to consider all the environmental effects of a proposed decision to site a residential development directly adjacent to an operating landfill facility.

The IS/Addendum for SJHHS was issued as a final document in September 2002, and consequently was also obligated to have considered the environmental impacts of siting a school in the vicinity of a permitted, operating landfill facility.

Relative to potential hazards created by the operating Prima Deshecha Landfill, page 29 of the IS/Addendum for SJJHS states that:



Additionally, the school location is approximately 3,000 feet from the Prima Deshecha Landfill, which borders the southern portion of the Whispering Hills Estates site. The Department of Education offers guidelines regarding locating schools near landfills. These guidelines, found in the “School Site Selection & Approval Guide”, require school districts to consider proximity to landfills and other potentially hazardous sites when making school siting decisions...the (School) District has determined that, as with railroad tracks and high-pressure pipelines, a 1,500 foot setback would be a minimum standard. Accordingly, the District’s architect of record for this site, PJHM Architects, has included the setback consideration as a high priority in designing the site. Per the adopted plan for the total development, the 160 dwelling unit portion of the project will lie between the high school and the landfill. This places the high school approximately 3,000 feet from the landfill.

The Capistrano Unified School District did not, therefore, find that the siting of a permanent high school facility 3,000 feet from an operating landfill created any adverse environmental impact or exposed students or residents to unacceptable environmental hazards.

The proposed project within SEIR 597 moves the potential limits of temporary disturbance approximately 30 feet closer to the nearest sensitive receptor from the impact boundary south of the Whispering Hills development assessed within FEIR 575. This shift does not significantly alter the impact analysis or increase the environmental effects identified within FEIR 575, which was considered within the environmental documentation for the residential development and school site, and must be considered within the upcoming EIR for the Villa Montana development. The proposed project in SEIR 597, while affording the PDL the flexibility of temporarily expanding their grading envelope for short-term construction, does not alter the characteristics of the landfill or its operations in a manner that would significantly and/or adversely increase the overall impacts of the project contained within EIR 575, and analyzed within the Whispering Hills environmental documents. In addition, pursuant to the comment made on the Whispering Hills EIR by the County of Orange on page 4 of its letter to the City of San Juan Capistrano on January 22, 2002, “Landfill construction is a unique operation that is in a constant state of change as each phase of landfill development progresses”.

The proposed project elements reflect refinements in design and support facilities that are to be expected as landfill phases are developed. The impacts associated with these refinements in the Zone 1 area are temporary in nature, and do not increase existing environmental effects of landfill operations over the long-term. Accordingly, there is no change in circumstance relative to the impacts or mitigation measures contained within FEIR 575, as maintained within SEIR 597. As the proposed project in SEIR 597 remains consistent with the original project described within FEIR 575, there is no incremental effect on the adjacent Whispering Hills residential development or San Juan Hills High School. Please see above Capistrano Unified School District, Response to Comment No. 2, for text modification associated with surrounding land uses.

3. **New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:**
  - (A) **The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;**
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or**
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more of the significant effect son the environment, but the project proponents decline to adopt the mitigation measures or alternative.**

The revised disturbance limits within SEIR 597 were based on the geologic map presented in Exhibit 5.2-1 of the SEIR. This information, also presented within FEIR 575, represents the most current site-wide geotechnical information available for the entire PDL site. It should be noted that additional site-specific geotechnical information has been obtained in support of each landfill phase design; however an updated site-wide geologic map has not been prepared since FEIR 575 was certified. The revised limits of disturbance presented within SEIR 597 are not based on or affected by these site-specific geotechnical studies. For the SEIR, a refined analysis of the existing geotechnical mapping information resulted in the decision to expand the potential limits of temporary disturbance to incorporate the lateral extent of known landslide deposits and Capistrano formation geology susceptible to landsliding in close proximity to known landslide features. This decision is prudent in light of the need to remediate landslide complexes and unstable geologic features that extend beyond the landfill refuse prism in order to provide a stable subgrade for refuse disposal areas. Accordingly, this is not considered 'new information' affecting the analysis or conclusions within SEIR 597. The Proposed Project within SEIR 597 does not, therefore, meet any of the criteria requiring preparation of a subsequent EIR.

In December 2005–January 2006, an NOP was circulated proposing the development of an additional 163 unit apartment homes on the Whispering Hills Planned Community site called the 'Villa Montana Apartment Homes.' As with the Whispering Hills EIR and the IS/Addendum for SJHHS, the Villa Montana EIR must also consider the environmental feasibility and effects of its project construction in proximity to the existing landfill project and operations at the PDL.

The proposed project actually decreases the significant impacts from the project identified in FEIR 575 by altering the desilting system for the future Zone 4 landfill area for the benefit of protecting biological resources, and through the coordination of a Pre-mitigation Program to offset biological impacts from landfill grading operations.

All mitigation measures within FEIR 575, including Mitigation Measure 4.7-1 (Land Use), are in fact feasible and are being implemented as required at the project site, and all mitigation measures have been analyzed and adopted as appropriate. Please also refer to the City of San Juan Capistrano, Response to Comment No. 2.

*Response to Comment No. 14*

FEIR 575 considered the Whispering Hills development in the document's cumulative impact analysis. The addition of a high school to the proposed development plan and analysis of the impacts of siting residential units close to the property boundary of an operating, permitted

landfill are considerations that the subsequently revised Whispering Hills EIR (November 2001) and the SJHHS IS/Addendum (September 2002) should have addressed in detail owing to the addition of the school as a project feature after circulation of the 2001 GDP. The Whispering Hills EIR and SJHHS Addendum did consider the environmental impacts of siting the school and residential development close to the PDL: Page 3-3 of the Whispering Hills EIR acknowledges that the PDL is adjacent to the southern boundary of the site, and Section 4.1 of this same document contains a discussion of the PDL as a surrounding land use to the proposed residential development. Appendix F.2 to the Whispering Hills EIR contains an Environmental Noise Study for the high school football field at the San Juan Hills school site, and concludes that the noise generated from the football field will not generate a significant impact to surrounding residences; there is no mention within the noise study of landfill generated noise posing an unacceptable existing condition. Accordingly, landfill operations as defined within the 2001 GDP are considered within the Whispering Hills EIR and SJHHS IS/Addendum.

The Proposed Project as discussed in SEIR 597, does not alter any characteristics of the 2001 GDP, as considered within the Whispering Hills EIR and SJHHS IS/Addendum (such as refuse operations, alteration of the landfill's refuse footprint, change in landfill capacity, or increase in landfill-generated traffic). There is no changed condition that would cause additional significant impact due to temporary grading activities within the revised limits of disturbance on the landfill property. The Villa Montana Apartment Homes EIR will need to assess the environmental impacts of siting the residential units near the operating PDL.

Please also refer to the Response to Comment No. 13 regarding the need to consider the Proposed Project as a substantial change from EIR 575 with respect to Whispering Hills Estates, San Juan Hills High School, and the Villa Montana Apartment Homes.

Regarding the elimination of Camino Lacouage as the access point to Whispering Hills Estates, the Proposed Project as discussed in SEIR 597 does not change landfill-related traffic effects over those considered in the 2001 GDP and EIR 575.

#### *Response to Comment No. 15*

As impacts to surrounding land uses from the project assessed within EIR 575 were not found to be significant, Mitigation Measure 4.7-1 from EIR 575 was intended as a goodwill action in the event funding was available for implementation. As this mitigation measure is not needed to ensure impacts remain below a level of significance, it remains a legitimate mitigation measure. The CEQA standard for mitigation measure feasibility is that it be capable of being accomplished, part of which is funding. The language of the mitigation measure does not affect its validity.

#### *Response to Comment No. 16*

Proposed Project activities within the revised limits of disturbance are consistent with those envisioned as necessary in FEIR 575 to support continuing landfill operations. FEIR 575 did not identify significant impacts to land uses as a result of the 2001 GDP. The Whispering Hills EIR and the SJHHS IS/Addendum, after consideration of the landfill operations defined within the 2001 GDP, also concluded less than significant impacts to land use from construction of the residential project and high school facility adjacent to the PDL. Notwithstanding, the County agreed to the incorporation of Mitigation Measure 4.7-1 to minimize these less than significant impacts even further for off-site viewsheds. SEIR 597 adopts these mitigation measures from FEIR 575, and will implement them as needed to minimize temporary project impacts. As this particular mitigation measure is not required to bring proposed project impacts below a level of

significance, it remains a legitimate mitigation measure from FEIR 575 that will be applied to the Proposed Project. The CEQA standard for mitigation measure feasibility is that it be capable of being accomplished, part of which includes economic factors. The language of the mitigation measure does not affect its validity.

Please also see Nossaman, et al. Responses to Comments No. 11 and No. 13.

*Response to Comment No. 17*

FEIR 575 considered surrounding residential development, including the Whispering Hills development, when performing the aesthetic impact analysis and when developing mitigation measures. Viewshed protection requirements for the Rancho Mission Viejo development adjacent to the site were a condition of approval for FEIR 575 and were required by the Orange County Planning Commission as a result of testimony given during the public hearing. The viewshed requirements for Rancho Mission Viejo were not based on the aesthetics analysis contained in FEIR 575. Viewshed issues for Whispering Hills Estates and the San Juan Hills High School should have been addressed within the environmental documentation for those projects, as they all post-date certification of FEIR 575. The allegation put forward in Comment No. 17 that the viewshed protection requirements developed for Rancho Mission Viejo should be extended to the Whispering Hills development, Villa Montana Apartments, and San Juan High School appears to be based on opinion, rather than upon substantial evidence such as a technical reference or supplemental study.

SEIR 597 project elements within the revised limits of disturbance around Zone 1 are not expected to significantly change existing views and will remain below the ridgeline crest elevation. Accordingly, aesthetic impacts from the Proposed Project are appropriately found to be less than significant. Notwithstanding, mitigation measures from FEIR 575 will apply, and cut slopes within the revised limits of disturbance will be landscaped to reduce visibility from off-site vantage points.

*Response to Comment No. 18*

SEIR 597 increases the temporary limits of disturbance around the PDL to afford the landfill flexibility in remediating the effects of potentially unstable geologic conditions when preparing the site for filling operations. The 110 acres around Zone 1 do not represent an increase in total grading area or long-term landfill refuse filling activities; rather, they represent an area that may be impacted in part by temporary construction in order to adequately implement site-stabilization measures and landfill support features. The exact design and timing of construction for remediation features are not yet known about the future phases of landfill development; accordingly, the specific extent or location of these features within the revised limits of disturbance will be identified as final design is completed. The entire 110 acres within Zone 1 is being identified as a conservative area of potential impact in order to support long-term resource agency negotiations for potential impacts to biological resources in order to ensure that agency permits are in place for any impact to this area once the design features within these disturbance limits are known. It is not anticipated that the entire 110 acres will be needed for stabilization and support features, but that a portion of this area, to be determined by future design studies as landfill development progresses, will likely be needed for temporary construction activities.

As stated in SEIR 597, the proposed project for Amendment No. 2 to the GDP will not generate additional equipment, additional soil disturbance, or additional vehicle miles traveled over those analyzed within EIR 575 due to the fact that landslide remediation and related activities are ongoing activities at the landfill that were part of the analyzed project in the 2001 GDP. Although

the proposed project for Amendment No. 2 to the 2001 GDP affords the PDL a wider area within which to implement required site stabilization and support features, an increase in overall construction activity over that addressed in EIR 575 is not proposed. Therefore, no additional equipment or employees beyond that assumed in the EIR 575 analysis would be required. As such, the air quality impacts associated with site stabilization activities, including dust and odor impacts, were adequately evaluated in EIR 575 and the mitigation measures contained therein, including the IWMD's approved Rule 403 Compliance Plan, would apply to all grading activities at the PDL, including the temporary impacts associated with remediation activities proposed in Zone 1. The increase in the limits of temporary disturbance would result in grading activities up to 30 feet closer to Whispering Hills Estates and San Juan Hills High School at their closest points; however, these grading activities would be temporary in nature and would not result in relocation of filling operations closer to surrounding sensitive receptors. The difference in the proximity of these temporary grading activities would be considered negligible, and would not be expected to affect the results of the air quality modeling effort supporting the impact analysis in EIR 575, nor would additional noise impacts occur.

The Whispering Hills residential development was considered a regional project in the cumulative impact analysis for EIR 575, based on the project description provided by City of San Juan Capistrano staff at the time of document development. The DEIR for the Whispering Hills project was revised to include San Juan Hills High School after circulation of Draft EIR 575. Accordingly, and as stated within both the County comment letter on the Whispering Hills Notice of Preparation (NOP) (letter dated August 20, 2001) and the County comment letter on the Whispering Hills EIR (letter dated January 22, 2002), the Whispering Hills EIR was obligated to consider all the environmental effects of a proposed decision to site a residential development and a school directly adjacent to an operating landfill facility.

Page 16 of the IS/Addendum for SJJHS states: "As part of CUSD's [Capistrano Unified School district] CEQA approval process and pursuant to CEQA [Section]15186[c2] the CUSD is required to consult with the local air quality management district to ensure that schools are not sited in direct proximity to facilities that emit hazardous air emissions. Through consultation with the South Coast Air Quality Management District (SCAQMD), it was determined that there are no facilities within one quarter mile of the high school site with the potential to emit hazardous or acutely hazardous air emissions." Exhibit 4 of IS/Addendum for SJJHS identifies AQMD-listed facilities up to one-half mile from the proposed school site, on which the landfill is not noted. This provides the rationale supporting the conclusion that the high school project would not expose sensitive receptors to substantial pollutant concentrations. Accordingly, the PDL is not identified as a noteworthy concern for air quality effects at the proposed high school site.

Page 29 of the IS/Addendum for SJJHS also states:

Additionally, the school location is approximately 3,000 feet from the Prima Deshecha Landfill, which borders the southern portion of the Whispering Hills Estates site. The Department of Education offers guidelines regarding locating schools near landfills. These guidelines, found in the "School Site Selection & Approval Guide", require school districts to consider proximity to landfills and other potentially hazardous sites when making school siting decisions...the (School) District has determined that, as with railroad tracks and high-pressure pipelines, a 1,500 foot setback would be a minimum standard. Accordingly, the District's architect of record for this site, PJHM Architects, has included the setback consideration as a high priority in designing the site. Per the adopted plan for the total development, the 160 dwelling unit portion of the project will lie between the high school and the landfill. This places the high school approximately 3,000 feet from the landfill.

Neither the Whispering Hills EIR nor the IS/Addendum for SJHHS reached a conclusion of significant impact or raised air quality concerns regarding landfill operations associated with the interaction of local wind patterns and ongoing landfill grading operations and remediation activities. Both the residential development and the high school have accordingly proceeded with project implementation. The project discussed in SEIR 597 does not alter air emissions from the site over those considered within FEIR 575 and the Whispering Hills EIR and IS/Addendum to SJHHS, and accordingly does not alter the implied conclusion of less than significant impact contained within these earlier documents. Furthermore, although the increase in the limits of temporary disturbance within the existing landfill boundary would result in grading activities up to 30 feet closer to San Juan Hills High School at their closest point, the negligible difference in the proximity of these temporary activities would not reduce the setback below the minimum distance utilized in the IS/Addendum for SJJHS and therefore does not affect the conclusions reached in the IS/Addendum impact analysis for SJJHS.

Please see also Capistrano Unified School District, Response to Comment No. 3.

*Response to Comment No. 19*

The proposed project will be implemented between the hours of 7 AM to 6 PM Monday through Friday, and 8:30 AM to 4:30 PM Saturdays and holidays. Accordingly, as Section 9-3.531 of the City of San Juan Capistrano Municipal Code specifically exempts noise sources associated with construction, repairs, remodeling, or grading of any real property from adherence to the noise standards if construction activities are conducted within these time periods, proposed project construction will be in compliance with the Municipal Code and noise impacts are less than significant.

Notwithstanding, a supplemental noise study was conducted on February 2, 2007, in order to estimate the level of noise that might be generated from proposed project implementation to the north of the project site. Estimates of noise levels during project implementation at three locations on the Whispering Hills property and the San Juan Hills High School site were made, with maximum construction noise levels ranging from 49 dBA (high school site, 3,300 feet from the project site) to 72 dBA (3–400 feet from the project site). Project construction is expected to be short-term within these revised limits of disturbance.

Accordingly, as proposed project implementation will adhere to the timeframes established within the City of San Juan Capistrano Municipal Code, the proposed project is in compliance with the Code and impacts from construction-generated noise are less than significant.

Although Mitigation Measure 4.10-1 from EIR 575 is not required to bring project impacts below a level of significance, it remains a legitimate mitigation measure that will be applied to the Proposed Project. The language of the mitigation measure does not affect its validity.

Please also see Response to Capistrano Unified School District, Comment No. 4, and Response to City of San Juan Capistrano, Comment No. 4.

*Response to Comment No. 20*

As impacts from noise generated at the project site were not found to be significant within FEIR 575, Mitigation Measure 4.10-1 from EIR 575 was intended as a goodwill action in the event funding was available for implementation. This mitigation measure will also apply to the proposed project. As this mitigation measure is not needed to ensure impacts remain below a level of significance, it remains a legitimate mitigation measure. The language of the mitigation measure does not affect its validity.

*Response to Comment No. 21*

There is a methane gas line that runs along the perimeter of the revised disturbance limits for Zone 1. Implementation of Proposed Project elements are not expected to require relocation of this line. Landfill gas generation is a by-product of refuse filling operations and is not associated with the temporary grading activities that are required for the implementation of landslide remediation measures. Mitigation Measure 4.13.4-1 from FEIR 575 also continues to apply as appropriate to any landfill support features deemed necessary for continued landfill build-out.

*Response to Comment No. 22*

The Proposed Project in SEIR 597 does not alter the landfill refuse prism or capacity. Accordingly, there are no Proposed Project elements that alter in any way landfill leachate migration patterns or quantities, or which have incremental effects on groundwater resources or public health, that differ from those assessed in FEIR 575. Although a technical study was completed on groundwater resources within Zone 4, the purpose of this study was not to investigate groundwater quality but to ascertain the potential hydrologic function of a spring within the center of Zone 4. This spring may be important to biological resources and has been the subject of discussions with the resource agencies, as well as a focus of the proposed Pre-mitigation Program. As the proposed project does not alter landfill refuse prism or capacity, it is not anticipated to have any impact on groundwater quality or groundwater resources and does not warrant a supplemental study of groundwater resources in Zone 1.

*Response to Comment No. 23*

The Proposed Project assessed within SEIR 597 does not alter or incrementally increase landfill-generated traffic along regional arterial highways and streets over the impacts assessed within FEIR 575. The Whispering Hills EIR and the IS/Addendum for SJHHS considered landfill-generated traffic volumes when assessing the feasibility of their proposed projects, as the landfill is a permitted operating facility; the Villa Montana Apartment Homes EIR must assess proposed project-induced traffic effects and consider permitted landfill-generated traffic volumes. Accordingly, there is no incremental change to landfill-generated traffic from the proposed project, and the analysis in FEIR 575 is appropriate for the proposed project in SEIR 597.

*Response to Comment No. 24*

As stated in Section 3.0 of SEIR 597 (Purpose and Need for the Proposed Project), the limits of temporary disturbance around the active landfill zones at the Prima Deshecha Landfill (PDL) have been changed to accommodate the potential for future landslide stabilization measures and future landfill-related support features. The actual need for site-stabilization measures will be determined by site-specific geotechnical investigations as each new landfill phase is prepared to receive refuse, and site-specific designs will be developed accordingly.

*Response to Comment No. 25*

Please see Response to Comment Nos. 3, 10, and 13.

*Response to Comment No. 26*

Please see Response to Comment Nos. 3 and 10.

*Response to Comment No. 27*

The NOP for SEIR 597 is a public document and available for review if needed to fully understand the proposed project. Please see Response to Comment Nos. 3 and 10 regarding development of the revised disturbance limits for the Proposed Project.

*Response to Comment No. 28*

The IWMD is committed to maintaining and operating the PDL in a manner that is safe to the public and protects the environment. The determination to increase the potential limits of temporary disturbance around the perimeter of the site is an action intended to increase the PDL's ability to manage the site's geotechnical complexities as they arise, while at the same time working with regional partners in supporting regional environmental goals and minimizing impacts to biological resources. Exhibit 5.2-1 of SEIR 597, as contained within FEIR 575, provides the geologic information for making this determination within a refined analytical context. As each landfill phase is unique, with unique design requirements, additional geotechnical investigations are completed in support of future landfill phase development which provide more detail on a site-specific scale to assist in defining future landfill support requirements. These site-specific studies will be conducted prior to implementation of any grading activities within the revised limits of disturbance. Additional CEQA documentation will be completed if required for detailed design plans developed in the future.





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November 20, 2006

Rochelle Carpenter  
County of Orange IWMD  
320 North Flower Street, Suite 400  
Santa Ana, CA 92703

**Subject: SEIR 597 (SCH No. 1999041035) - Second Amendment to the 2001 Prima Deshecha  
Landfill General Development Plan, SWIS No. 30-AB-0019, San Juan Capistrano**

Dear Ms. Carpenter:

On September 11, 2006, the Solid Waste Local Enforcement Agency (LEA) received Draft SEIR No. 597 - SCH No. 1999041035 - for the Second Amendment to the 2001 General Development Plan (GDP) for Prima Deshecha Landfill (hereinafter referred to as "Site"). County of Orange Integrated Waste Management Department (COIWMD) is the Lead Agency who prepared this CEQA document to analyze implementation of the GDP's Second Amendment which calls for:

- a) Increasing the Site's total disturbed area by an additional 278 for a total of 1,078 acres while maintaining the permitted waste-fill areas in Zones 2 and 4 unchanged,
- b) Re-designing the desilting system in Zone 4 (4 basins along the western perimeter of Zone 4 instead of 1 basin as originally envisioned in the 2001 GDP),
- c) Supplemental water supply sources for the Prima Deshecha Cañada stream,
- d) Update the excavation/development phases in both waste-fill areas in Zones 2 and 4,
- e) Pre-mitigation program to offset impacts on biological resources from the Site's development and operation, and
- f) Regional environmental enhancement program.

As a Responsible Agency, the LEA has reviewed the SEIR and has the following comments:

1. Implementation of the proposed project will definitely require an amendment to the relevant sections of the Site's Joint Technical Document (JTD). Increasing the Site's total disturbed area without changing the permitted waste-fill areas will not need a Solid Waste Facility Permit (SWFP) revision but rather can be captured in the future when there is another reason (such as an increase in the permitted maximum daily tonnage, change in the Site's air space capacity, change in the closure date, etc.) triggering a revision to the Site's SWFP. All other features of the proposed project fall within the Site's current SWFP.
2. Upon certification of this SEIR by Orange County Board of Supervisors, please submit to the LEA two complete sets of the GDP reflecting the Second Amendment.

} 1

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Ms. Rochelle Carpenter  
November 20, 2006  
Page 2 of 3

We look forward to cooperatively working with COIWMMD to ensure a successful completion of this process and ultimately to reflect the changes proposed in the Site's JTD. If you have any questions, please contact me at (714) 433 - 6271.

Sincerely,



Ossama "Sam" Abu-Shaban, PE, DEE  
Senior Civil Engineer  
Solid Waste Local Enforcement Agency  
Environmental Health

cc: Raymond Seamans, CIWMB

**J. County of Orange Health Care Agency, Regulatory Health Services, Environmental Health (November 20, 2006)**

*Response to Comment No. 1*

A Joint Technical Document will be prepared by the IWMD to reflect the proposed project features prior to implementation.

*Response to Comment No. 2*

IWMD will forward two complete sets of the Second Amendment to the Prima Deshecha GDP to the LEA upon certification of SEIR 597.