STATEMENT OF FINDINGS AND FACTS IN SUPPORT OF THE RELOOC STRATEGIC PLAN – FRANK R. BOWERMAN LANDFILL IMPLEMENTATION EIR

1.0 INTRODUCTION

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081 and CEQA Guidelines Section 15091 provide that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

Section 15092 of the CEQA Guidelines further stipulates that:

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

An Environmental Impact Report (EIR) for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Implementation Project (proposed project) was prepared and certified as complete by the Orange County Board of Supervisors (BOS). The EIR identifies certain significant adverse impacts which may occur as a result of the implementation of the proposed project, either alone or on a cumulative basis in conjunction with other past, present and reasonably foreseeable future projects. The environmental review process for the proposed project is summarized below.

1. In accordance with the CEQA requirements, a Notice of Preparation (NOP) of a Draft EIR (DEIR) was filed with the State Clearinghouse (SCH) Office of Planning and Research on July 21, 2005. The SCH Office of Planning and Research assigned SCH Number 2005071102 to the proposed project.

2. The NOP/Initial Study (IS) was distributed to public agencies, interested parties, libraries and service providers. The 30-day public review period for the NOP/IS started on July 21, 2005 and concluded on August 19, 2005. A total of thirteen (13) written responses were received on the NOP/IS.

3. In accordance with the CEQA requirements, a Notice of Completion (NOC) of the DEIR was filed with the SCH Office of Planning and Research on January 24, 2006.

4. The DEIR was distributed to public agencies, interested parties, libraries and service providers by the County of Orange Integrated Waste Management Department (IWMD). The distribution list is available at the IWMD office.

5. A forty-five (45) day public review period for the DEIR was established pursuant to CEQA, which commenced on January 24, 2006 and ended on March 9, 2006.

6. Comments received during the public review period for the DEIR were responded to in the Responses to Comments Report dated May 2006.

7. A Final EIR (FEIR) was prepared for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Project. The following components comprise the FEIR:

    a. DEIR and Appendices, dated January 2006;
    b. Comments received on the DEIR and responses to those comments, (Responses to Comments Report, dated May 2006);
    c. Mitigation Monitoring and Reporting Program (MMRP); and
    d. All attachments, incorporations and references to the documents delineated in items a and b above.

The County of Orange is the Lead Agency with respect to the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Project pursuant to the CEQA Guidelines Section 15367. As the Lead Agency, the County is required by the CEQA to make findings with respect to each significant effect of the proposed project.

The County of Orange Integrated Waste Management Department (IWMD) has reviewed the FEIR. The following sections make detailed findings with respect to the potential effects of the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Project and refer, where appropriate, to the mitigation measures set forth in the FEIR. The Board of Supervisors hereby determines that the FEIR for the proposed project, comprised of the DEIR, a list of persons, organizations and public agencies commenting on the DEIR, comments received from the public and interested agencies, the Responses to Comments prepared by the County, revisions to the text of the DEIR reflecting changes made in response to comments and other information, other minor changes to the text of the DEIR, and all attachments and documents incorporated by reference, is complete and adequate and has been prepared in accordance with CEQA and the CEQA Guidelines. The Board of Supervisors further finds and determines that the FEIR provides adequate, good faith and reasoned responses to all comments raising significant environmental issues. The FEIR is hereby incorporated in this document by reference.

The FEIR and the administrative record concerning the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Project provide additional facts in support of the findings herein. The FEIR is hereby incorporated into these Findings in its entirety. Furthermore, the mitigation measures set forth in the FEIR and the MMRP are incorporated by reference in these Findings.

The FEIR identifies significant or potentially significant environmental impacts that may occur as a result of implementation of the proposed project, even with the incorporation of specific measures/programs intended to mitigate said impacts. Thus, in accordance with the provisions of CEQA, the County of Orange hereby adopts this Statement of Findings as part of its action to certify the FEIR and approve the proposed project. Section 15093 of the CEQA Guidelines requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. Where the decision of the public agency allows the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state, in writing, the specific reasons to support its action based on the FEIR and/or other information in the record. Such a statement is called the "Statement of Overriding Considerations." In connection with its review and approval of the proposed project, the County has prepared the required Statement of Overriding Considerations (SOOC).

The MMRP was developed in compliance with Public Resources Code Section 21081.6 and is contained in a separate document.

1.1 RELOOC STRATEGIC PLAN

The RELOOC effort is a short- and long-term strategic planning project initiated by IWMD in 1998 to address existing disposal system capabilities and future needs, and to develop viable short- and long-term solid waste disposal options for the County. As part of that endeavor, the County is considering a number of short term improvements to existing municipal solid waste landfills operated by IWMD. The proposed project includes the vertical and horizontal expansion of the Frank R. Bowerman Landfill to help meet the County's near term solid waste disposal needs.

The EIR analyzes the potential environmental impacts associated with the continued operation of the Frank R. Bowerman Landfill from its permitted closure date of 2022 to approximately 2053 (Phase I strategy in the RELOOC Strategic Plan).

Consistent with the provisions of CEQA Guidelines Section 15090(a), the Board of Supervisors specifically finds and certifies as follows:

1. The FEIR (as defined, above) has been completed in compliance with CEQA.

2. The FEIR was presented to the Board of Supervisors and said Board reviewed and considered the information contained in the FEIR prior to making the following certifications, findings, and approving the proposed project.

3. The FEIR reflects the Board of Supervisors' independent judgment and analysis.

4. The Board of Supervisors has reviewed and considered, as a whole, the evidence and analysis presented in the DEIR, the evidence and analysis presented in the comments on the DEIR, the evidence and analysis presented in the FEIR, the information submitted on the FEIR, and the reports prepared by the experts who prepared the EIR, the County's consultants, and by staff, addressing those comments. The Board of Supervisors has gained a comprehensive and well-rounded understanding of the environmental issues presented by the proposed project. In turn, this understanding has enabled the Board of Supervisors to make its decisions after weighing and considering the various viewpoints on these important issues. The Board of Supervisors accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the FEIR, as well as the evidence and other information in the record addressing the FEIR. The Board of Supervisors hereby certifies the FEIR for the actions described in these findings in the FEIR.

2.0 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

2.1 PROJECT MODIFICATIONS

Maintaining the current annual average of 8,500 TPD of MSW, with an increase in the maximum daily refuse inflow of 11,500 TPD is being proposed to accommodate high tonnage days within the limits of the RELOOC projected system demand (assuming the existing Prima Deshecha Landfill permitted refuse inflow rate of 4,000 TPD). The increase in maximum daily tonnage to 11,500 TPD would address long term planning goals established in the RELOOC Strategic Plan and could also accommodate the existing, approved high tonnage days at the FRB Landfill.

The expansion of the FRB Landfill would provide an additional MSW capacity of 130 million cubic yards (mcy) over the current permitted capacity which would extend the remaining life of the landfill from its current effective closure date of 2014 (based on remaining capacity reduction without landslide stabilization) and permitted closure date of 2022 to approximately 2053, based on an annual average refuse inflow rate at the currently permitted limit of 8,500 TPD. The annual average refuse inflow rate of 8,500 TPD is the base assumption for the proposed project

and all the alternatives except those that propose an increase in the annual average to 11,500 TPD when Olinda Alpha Landfill closes.

As proposed, the height of the FRB Landfill would be increased from its current permitted level of 1,100 feet AMSL to approximately 1,350 feet AMSL or a net vertical increase of approximately 250 feet. This maximum build out elevation does account for final cover (estimated to be approximately 4 additional feet of soil over the intermediate cover). It should be noted that the current elevation for landfill operation is approximately 950 feet AMSL.

The horizontal expansion would include landform modifications to provide for approximately 193 additional acres of refuse footprint area over the currently permitted refuse footprint of 341 acres (total proposed project refuse footprint approximately 534 acres). Expansion of the refuse footprint would be contained within the existing 725 acre landfill property. A total of 130 additional acres is proposed to be disturbed beyond the permitted disturbance area of 525 acres (total proposed project disturbance area approximately 655 acres).

2.2 PROJECT OBJECTIVES

The objectives of the proposed project, which were derived from the adopted RELOOC Strategic Plan goals and objectives, are:

- Ensure that the long term disposal needs of the County's Solid Waste System are met.
- Maximize capacity of the existing landfills, including the FRB Landfill.
- Ensure adequate revenue and maintain local control of waste disposal for as long as possible to provide consistent and reliable public fees/rates.
- Maintain efficient, cost effective and high quality IWMD operations.
- Minimize adverse environmental impacts.

The following project objective addresses the intent of the proposed project to provide for landslide remediation:

- Remediate and stabilize landslide areas to comply with 27 CCR in the landfill area and to protect and provide for future landfilling capacity on the landfill property.

The following objective addresses the intent to reduce potential impacts on biological resources associated with cover soil acquisition and stockpiling:

- Provide for soil management needs on-site to avoid impacts on adjacent canyons.

FINDINGS CONCERNING IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

In evaluating the potential environmental impacts associated with the proposed project, the FEIR identified/addressed several potential impacts that would not be considered significant following implementation of the proposed project. CEQA does not require findings for impacts found to be less than significant and for which mitigation is, accordingly, not required. Nevertheless, the following information is provided in order to summarize the bases for determinations of non-

significance for various potential impacts, as presented in the DEIR.

In some cases, due to their nature, the impacts are found to be insignificant as a matter of course. In other cases, the determinations take into account the design of the proposed project, including those measures identified as PDFs which have been incorporated into the proposed project and which will be implemented pursuant to the MMRP. Although impacts determined to be insignificant do not themselves require mitigation, in some cases those mitigation measures that have been required to address other impacts found to be potentially significant and in need of mitigation will also further reduce the non-significant impacts. In these cases, the mitigation measures are noted, although the impacts would be insignificant even without such measures.

The Board of Supervisors finds that the determination of significance thresholds is a judgment decision within the discretion of the County; the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the FEIR preparers and County staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the proposed project.

In addition, impacts were identified in the FEIR that have been identified as being potentially significant, but reduced to a level considered less than significant with the implementation of PDFs, SCs and/or MMs. Consistent with declarations appearing in the MMRP, the Board of Supervisors adopts the mitigation measures identified and comprehensively set forth in the FEIR to reduce or avoid the potentially significant and significant impacts of the proposed project, as well as certain less than significant impacts. In adopting said mitigation measures, the Board of Supervisors intends to adopt each of the mitigation measures proposed in the FEIR.

These Findings provide a summary description of each impact, describe the applicable mitigation measures identified in the FEIR and adopted by the Board of Supervisors, and state the Board of Supervisor's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the FEIR and these Findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the FEIR's determinations regarding the proposed project's impacts and mitigation measures designed to address those impacts. In making these Findings, the County ratifies, adopts and incorporates the analysis and explanation in the FEIR in these Findings, and ratifies, adopts and incorporates in these Findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

LAND USE AND PLANNING

The FRB Landfill is located in rapidly urbanizing central Orange County. Land uses in the area include undeveloped land, agriculture, residential and commercial. A number of planned residential communities are being and will be constructed in proximity to the landfill. These residential uses were subject to the County of Orange and City of Irvine planning procedures and land use controls which considered their proximity to this active landfill. The proposed improvements at the FRB Landfill entail both vertical and horizontal expansions within the landfill property and slope

stabilization in off-site areas which are undeveloped areas with no existing or planned residential uses. Moreover, these areas are designated by the Orange County General Plan as Open Space Reserve (OSR) and by the City of Irvine General Plan as Conservation Open Space Preservation (COSP), and are part of the Orange County Central and Coastal Subregion NCCP/HCP and Reserve. Implementation of the proposed project would not disrupt or divide the physical arrangement of an established community.

AGRICULTURE

The proposed vertical and horizontal expansions of the FRB Landfill will not impact any Prime, or Unique land or Farmland of Statewide Importance. There are no existing agricultural preserves on the site or in the expansion area, and no preserves will be impacted under the proposed project. Existing roads will be used to haul MSW to the FRB Landfill under the proposed project. No new roads and/or modifications to existing roads are proposed for access as part of the project. Therefore, the proposed project will not result in impacts related to the conversion of farmlands listed as Prime, Unique or Farmland of Statewide Importance to non-agricultural uses.

The proposed project would not result in the cancellation of any Williamson Act contracts or conflict with any existing zoning for agricultural uses.

The proposed vertical and horizontal expansions at the FRB Landfill will not result in the conversion of designated Farmland to non-agricultural uses. There is no designated Farmland within the horizontal expansion areas of the existing landfill property or in the off-site areas proposed for slope stabilization. The proposed project would not involve changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural uses.

POPULATION AND HOUSING

None of the improvements under the proposed project would entail new residences or extending any major infrastructure (i.e., sewer or water lines, roads, etc.) that could support additional development. Employment associated with landfill operations will be provided by existing on site employment. There may be brief temporary periods requiring additional personnel, such as during site development activities. No substantial new employment will be generated by the proposed project that could potentially contribute to additional demand for housing or services in the surrounding area.

The proposed project will not result in the removal or demolition of any existing residential units because there are no existing residential uses on the Landfill property or in the off-site areas proposed for slope stabilization. The proposed project would not entail the displacement of any residential uses or the use of any land designated for residential uses.

The proposed project will not result in the removal or demolition of any existing residential uses. The proposed project would not entail the displacement of a substantial number of people because there are no residential uses on the landfill property or the off site areas proposed for slope stabilization.

GEOLOGY AND SOILS

There are no residences or other immediately adjacent structures where people congregate on the FRB Landfill or the off site area for slope stabilization. The improvements to the FRB Landfill under the proposed project (relocation of existing entrance facilities, scales/scale house, LFG control facilities and other support facilities) will be designed to meet stringent building code requirements that provide mitigation for any potential impacts to structures that would result from expansive soils.

HYDROLOGY AND WATER QUALITY

The existing the FRB Landfill is approved under the Waste Discharge Requirements (WDRs) issued by the Regional Water Quality Control Board (RWQCB) and is designed to comply with water quality standards and waste discharge requirements for a non-hazardous waste landfill. Semi-annual water quality testing at the landfill is conducted for volatile organic compounds (VOCs), minerals, total dissolved solids (TDS), pH, electrical conductivity (EC), nitrates and metals. The ongoing groundwater monitoring program at this landfill is expected to be sufficient for monitoring water quality under the proposed project. Any modification of the existing landfill design will require coordination with the Landfill Section of the RWQCB to revise the existing National Pollutant Discharge Elimination System (NPDES) permit and WDRs for the FRB Landfill in accordance with federal and state requirements for the protection of water quality. Therefore, the proposed project is not anticipated to result in significant adverse impacts related to water quality standards or WDRs at the FRB Landfill.

The proposed project does not include any components that would involve groundwater extraction. The current remediation of the landslide area at the FRB Landfill includes dewatering and the lowering of localized groundwater underneath the site which is being conducted as part of an ongoing program. The proposed project would not result in significant adverse impacts related to groundwater depletion that would contribute to a net deficit in aquifer volume or lowering of the regional groundwater table. The horizontal and vertical expansions and associated drainage patterns will channel runoff downstream to existing detention/desilting basins. The reduction in recharge due to the horizontal expansion areas is not anticipated to substantially reduce recharge in the regional groundwater basin.

The proposed project does not include the development of residential uses or other structures that would be located within a 100-year flood hazard area.

The FRB Landfill currently includes drainage structures which direct surface water on the site around the perimeter of the site to downstream surface water courses. Under the proposed project, the existing drainage system may need to be expanded to accommodate increased runoff associated with the vertical and horizontal expansions. However, no new structures are anticipated to be developed in a 100-year flood hazard area. Therefore, the proposed project is not anticipated to result in a significant adverse impact related to structures which would impede or redirect flood flows in a 100-year flood hazard area at the FRB Landfill.

The proposed project is not anticipated to result in any impacts related to flooding as a result of the failure of a levee or dam, inundation by seiche, tsunami or mudflow. There are no levees or dams located near or upstream of the landfill property. There are no major water bodies near the Landfill that could potentially generate a seiche or tsunami. Mudflows occur in unstable oversaturated soils; soils and slopes on and immediately adjacent to the landfill property have been or will be stabilized as part of the existing operations or the proposed project, as appropriate. Therefore, mudflows are not anticipated as a result of the proposed project at the FRB Landfill.

TRANSPORTATION AND CIRCULATION

The FRB Landfill is outside the defined airspace of any airport. The proposed project at the FRB Landfill would not result in changes in air traffic patterns. The proposed project will not generate demand for air passenger or cargo trips. The project will not result in changes in air traffic levels in this area. Therefore, the proposed project will not result in adverse impacts related to air traffic patterns.

Access to the FRB Landfill is currently provided via existing public and private roads, designed to local jurisdictions' standards, which are suitable for use by waste disposal trucks. Private access roads provide connections from public roads to and onto the landfill property. These access roads are adequate for use by waste disposal trucks. These private access roads are restricted to use by waste disposal vehicles, landfill employee vehicles and commercial self-haul vehicles who are destined for the landfill for waste disposal purposes. The proposed project does not include road improvements or the use of vehicles not compatible with the existing public and private access roads serving the landfill. Therefore, the proposed project at the FRB Landfill will not result in impacts related to safety hazards from design features or incompatible uses.

Access to the FRB Landfill is currently provided via public and private roads. Private roads provide connections from public roads (namely Bee Canyon Access Road) to and onto the landfill property and are restricted to use by waste disposal vehicles, landfill employee vehicles and site visitor/contractor commercial vehicles. Emergency vehicles can use these private roads if necessary to respond to fire, medical or police emergencies on the landfill property or the immediately adjacent areas, as appropriate. Consistent with the California Vehicle Code and local restrictions, trucks using public roads to access the landfill should not block emergency vehicles and should not block access to adjacent uses. At the landfill, trucks do not queue off the landfill site and, therefore, do not block emergency access in the area. On the landfill site, truck queuing is managed to ensure that emergency vehicles can access the site, if necessary. The proposed project does not include any features that would alter traffic operations or emergency access onto or off the landfill site. Therefore, the proposed project at the FRB Landfill will not result in adverse impacts related to emergency access or access to other land uses.

Parking for employees and vehicles waiting for inspection or to deposit loads is currently provided on the FRB Landfill site. In the event that additional parking is temporarily needed as a result of the proposed project, it also would be provided on the landfill property. No off-site parking will be required under the proposed project. Therefore, the proposed project at the FRB Landfill will not result in any impacts related to inadequate parking capacity.

Trucks transporting solid waste to the FRB Landfill, including the areas for the proposed vertical and horizontal expansions, would operate on public roads consistent with laws and regulations controlling vehicle traffic, similar to existing conditions associated with trucks currently accessing the landfill. Alternative modes, including rail, bus, transit, bicycling, carpooling and vanpooling would not be adversely affected by these truck operations on public roads. Therefore, the proposed project at the FRB Landfill would not result in conflicts with adopted policies regarding alternative transportation.

NOISE

The FRB Landfill is not within two miles of an existing public airport and is not within an adopted Airport Land Use Plan. Therefore, the landfill will not result in exposure of people in this area to excessive aviation related noise levels.

BIOLOGICAL RESOURCES

The proposed project at the FRB Landfill will not impact locally designated species such as heritage trees because the County of Orange has no officially adopted heritage tree ordinance or policy. Therefore, the proposed project will not result in impacts on locally designated heritage tree species.

RECREATION

The proposed project at the FRB Landfill would not entail the construction of residential or commercial uses that would result in an increased use of area parks or recreational facilities. There may be brief temporary periods requiring additional personnel, such as during site development activities. Although the number of employees may increase, it is not anticipated that this increase in employees will contribute significantly to the use of existing neighborhood or regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated. During slope stabilization of the landslide, the proposed project may result in significant temporary adverse impacts to Limestone Canyon Regional Park. However, remedial grading is authorized in off-site areas under a Fourth Amendment to Irrevocable Offer of Dedication (IOD) for Limestone Canyon Regional Park, dated May, 2004. After construction of the slope stabilization measures is complete, the disturbed areas outside the landfill property will be revegetated in native plant species similar to the species located on that area prior to the project disturbance. The IOD places other permit conditions on the remedial grading for erosion control and drainage. Therefore, there would be no impacts related to the physical deterioration of a park associated with the proposed project at the FRB Landfill.

The proposed project does not include the construction of recreational facilities either on or off the FRB Landfill property. The ultimate use for the FRB Landfill, after the termination of landfilling, is a passive regional park. That post closure park use is identified on the County of Orange Master Plan of Regional Recreational Facilities and is not part of the proposed project. Therefore, the proposed project will not result in adverse impacts related to the provision of recreation resources.

MINERAL RESOURCES

There are no known mineral resources on or in the immediate vicinity of the FRB Landfill site as documented in the County of Orange and City of Irvine GPs and the City of Irvine Master Environmental Assessment (MEA). Also, there are no known locally important mineral resource recovery sites identified in the County of Orange GP, City of Irvine GP and the City of Irvine MEA on or in the immediate vicinity of the FRB Landfill site. Therefore, the proposed project will not result in impacts to known mineral resources of possible state or regional value or impacts related to the loss of availability of mineral resource recovery sites documented on local plans.

HAZARDS

The FRB Landfill is a permitted Class III non-hazardous waste landfill that does not accept hazardous, radioactive or explosive wastes for on site disposal. There is an IWMD program in place at the FRB Landfill to prevent hazardous wastes from entering the landfill and to provide protection for landfill workers from potentially hazardous substances. This includes visual inspection of loads at the fee booths and the active face of the landfill. In addition, low level radioactive waste (LLRW) monitors were installed in the scale houses. Any vehicles whose loads are identified with LLRW are segregated and prevented from unloading. The County of Orange Health Care Agency/Environmental Health Division is notified and repeat offenders are referred to the Hazardous Waste Strike Force. Studies on the composition of MSW indicate the amount of hazardous wastes contained in MSW is small and is not likely to pose a threat of exposure to the public. Landfill activities at the FRB Landfill under the proposed project would continue to be monitored by personnel trained to inspect incoming refuse and waste being deposited on the active landfill face to identify and remove potentially hazardous wastes.

Hazardous materials used on site for existing operations and under the proposed project would be handled according to existing and applicable state and federal regulations and would be limited to fuels, oils and other materials used in the operation and maintenance of landfill equipment and vehicles. The operation and refueling of heavy construction equipment does have the potential to result in spills and leaks of fuels, oils and other liquids. Vehicles used in existing landfill operations are maintained and fueled on site. A vehicle maintenance facility is used to service the equipment, including oil changes, fueling and other typical maintenance activities. Waste oil currently is collected in an on site storage tank which is emptied and hauled away by a certified commercial hauler. Disposal of waste oil, either in a certified landfill or by recycling, is the responsibility of the waste hauler. The use of hazardous materials and generation of hazardous wastes would continue under these existing on site programs over the extended life of the FRB Landfill under the proposed project.

The nearest existing and/or planned residential use is approximately 0.3 mile from the existing boundary of the FRB Landfill. Similar to existing conditions, no hazardous wastes would be disposed of at the landfill under the proposed project. Required compliance with CIWMB, AQMD and IWMD programs and applicable OCFA, safety and hazardous waste regulations would reduce potential impacts related to hazardous wastes at the FRB Landfill under the proposed project to below a level of significance.

There are no existing or proposed schools within one-quarter mile of the FRB Landfill and no hazardous wastes will be disposed of in this landfill under the proposed project. The existing landfill design, including methane gas collection and groundwater monitoring facilities, provides environmental controls for the landfill to operate in a safe and sanitary manner. Therefore, the proposed expansion will not result in impacts related to hazardous emissions within one-quarter mile of a school near the FRB Landfill.

The FRB Landfill project site is not listed as a hazardous materials site. The landfill accepts only Class III municipal solid wastes.

The FRB Landfill is within two miles of the former Marine Corps Air Station (MCAS) El Toro. The adopted land use plan for the former MCAS property includes recreation, educational, cultural, residential, office, industrial and public use facilities but does not include any aviation uses. There are no existing or planned airports or airport land use plans within two miles of the FRB Landfill.

There are no private airstrips in the immediate vicinity of the FRB Landfill. Therefore, the proposed project would not result in significant adverse impacts related to safety hazards for people residing or working in this area.

The FRB Landfill is in unincorporated Orange County and is in the Sphere of Influence (SOI) of the City of Irvine. The County has not adopted an emergency response plan or an emergency evacuation plan for unincorporated areas. The City of Irvine has adopted an emergency response plan; however, the City's GP Safety Element does not identify designated evacuation routes. Trucks carrying refuse to the FRB Landfill use Sand Canyon Avenue and a segment of Portola Parkway. These trucks do not substantially affect traffic on roads surrounding the landfill property and are not expected to impede evacuation or emergency response plans in the event of a major emergency. The proposed project would result in an increase in the permitted number of daily refuse truck trips to the FRB Landfill; however, this increase would not result in significant adverse impacts related to interference with an adopted emergency response plan or emergency evacuation plan.

The City of Irvine GP designates the area surrounding the FRB Landfill as a hazardous fire area due to the presence of dry vegetation. There is a remote possibility of fire at the landfill itself from combustible refuse, vegetation or litter being ignited by sparks from vehicles, lighted cigarettes or matches thrown from vehicles. However, this potential risk is addressed in the design and daily operations of the landfill. Landfilling under the proposed project is not anticipated to have a significant adverse impact on the occurrence of wildland fires in the area. In fact, because most of the potential fuel or combustible material is native and non-native vegetation, the risk for potential wildland fires may be reduced as a result of the grubbing, grading and vegetation removal associated with continued operation of the FRB Landfill under the proposed project. Therefore, exposure of people or structures to the risk of loss, or death involving wild land fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands would be less than significant by continued compliance with these regulations and landfill procedures.

PUBLIC SERVICES

The FRB Landfill is served by OCFA Fire Station 55 located at 4955 Portola Parkway (OCFA Dispatch, personal communication, 2005).

The landfill may be subject to surface fires started by burning waste materials deposited on the working landfill face. Should this occur, the fire would be limited to the materials deposited prior to the daily application of cover materials, as fire will not generally propagate through cover soil. The Orange County Fire Authority (OCFA) has procedures for the prevention of fires at waste disposal sites. Current practices at this landfill to reduce the potential for fire and for rapid control of fires, should they occur, include keeping fire extinguishers on site, frequent site watering for dust control, on site water storage, prohibiting smoking on site, clearing vegetation and fire breaks.

Fires could be caused at this landfill when combustible refuse, vegetation or litter in the landfill is ignited by sparks from vehicles, lighted cigarettes or matches thrown from vehicles or from tipping of hot or smoldering loads. The design and operation of the landfill incorporates fire safety requirements. The proposed project at the FRB Landfill would potentially result in a minor increase in demand for fire protection associated with the increased life of the landfill under the proposed project. It is anticipated that existing personnel and equipment at Fire Station 55 will be adequate to provide fire protection services to the FRB Landfill under the proposed project.

The FRB Landfill is served by the Orange County Sheriff's Department. The nearest Sheriff's facility to the FRB Landfill is located at 550 N. Flower Street in Santa Ana. The existing Sheriff's services in the area would be adequate to meet the demand for police protection services under the proposed project since extending the life of the landfill would not require additional services beyond those currently provided. In addition, private security is provided at this landfill for patrol purposes. Therefore, the proposed project will not result in adverse impacts related to police services at the FRB Landfill.

The proposed project will not adversely impact schools because no population increase or shifts in population will occur as a result of the project at the FRB Landfill.

The proposed project at the FRB Landfill would not entail the construction of residential or commercial uses that would result in an increase in park usage. Therefore, the proposed project is not anticipated to contribute substantially to the need for new/altered government facilities/services in parks.

The ultimate use for the FRB Landfill, after the termination of landfilling, is a passive regional park. That post closure park use is identified on the County of Orange Master Plan of Regional Recreational Facilities and is not part of the proposed project since development of any future park would be carried out by the County's Harbors, Beaches and Parks Division, subject to funding that might be available at the time, rather than by IWMD.

The proposed project will require some permit processing by the County of Orange. However, the proposed project is not anticipated to adversely affect the County's overall ability to provide permitting services Countywide. There may be brief temporary periods requiring additional

personnel, such as during site development activities; however, the potential increase in employees and any other changes are not anticipated to result in the need for new or altered government facilities or services such as libraries or jails. Therefore, the proposed project at the FRB Landfill will not result in adverse impacts related to other governmental services.

The proposed project will result in an incremental increase in the need for road maintenance because the traffic generated on roads leading to the FRB Landfill would occur over a longer timeframe due to their extended lives. However, this increased maintenance responsibility for the County of Orange and City of Irvine will be minor and will be financed by the General Fund revenues and other funding sources budgeted by these agencies for road maintenance. Therefore, the proposed project at the FRB Landfill will not result in significant adverse impacts related to road maintenance.

UTILITIES AND SERVICE SYSTEMS

There may be brief temporary periods requiring additional personnel, such as during site development activities. The FRB Landfill has a septic system (for operations building and crew quarter buildings) in place that is periodically serviced and would be sufficient enough to accommodate additional personnel. There are no wastewater, sewage or sewage lines at the FRB Landfill. Therefore, the proposed project would not result in the construction of new or expanded water or wastewater treatment facilities.

The proposed project would not result in the need for the off-site construction of new or expanded stormwater drainage facilities. Under the proposed project, the existing on site storm water collection system, which consists of a series of drainage channels, berms, interceptor ditches and sedimentation basins, would be expanded for the proposed landfill expansion areas, as necessary. The project related storm flows and runoff from the landfill property will be controlled on site to discharge at pre-developed flows. Therefore, no new or expanded off site storm drain facilities will be required. The proposed project will not result in adverse impacts related to storm water drainage facilities.

The proposed project at the FRB Landfill would extend the operating life of this landfill. Therefore, the proposed project will result in an increase in the total amount of water needed over time at the landfill, for employee sanitary uses, dust control for earthwork, on site road construction and other on site improvements. However, the proposed expansion is not anticipated to result in a substantial increase in the amount of water currently used daily at the landfill because the additional personnel would be temporary during site development and the increase in TPD at the landfill will not increase substantially under the proposed project. The existing water facilities and supplies serving the landfill are anticipated to be adequate to continue providing water to the landfill over the extended life of the FRB Landfill under the proposed project. Therefore, the proposed project will not result in significant adverse impacts related to water treatment and distribution facilities.

The proposed project expansion at the FRB Landfill will increase the life of the landfill and will result in an increase in the total amount of sewage generated by the IWMD land uses (office, administrative, maintenance) at the landfill over the extended life of the landfill. There may be brief temporary periods requiring additional personnel, such as during site development activities.

However, the existing septic system at the landfill is adequate to accommodate the additional personnel over the extended life of the landfill under the proposed project. The existing septic system would be relocated or extended to accommodate the relocation of the entrance facilities and scales/scale house but, no wastewater facilities upgrades or total expansion of wastewater would be required. Therefore, the proposed project will not result in significant adverse impacts related to wastewater treatment capacity.

The proposed project will extend the life and capacity of the FRB Landfill. The proposed project itself will not result in the generation of MSW and is proposed to meet existing and future needs for MSW disposal in Orange County. Therefore, the proposed project will not result in adverse impacts to MSW disposal.

3.0 FINDINGS ON SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT

3.1 IMPACTS RELATED TO LAND USE AND PLANNING

3.1.1 Potentially Significant Adverse Impacts Related to Land Use and Planning

Implementation of the proposed project is not anticipated to result in significant adverse impacts to existing and future land uses. Therefore, no mitigation is required and no significant unavoidable adverse impacts will occur.

3.2 IMPACTS RELATED TO GEOLOGY AND SOILS

3.2.1 Potentially Significant Adverse Impacts Related to Geology and Soils

Implementation of the proposed project has the potential to impact the landfill's slope stability in the North end Landslide Complex (NLC).

3.2.2 Findings Related to Geology and Soils

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

3.2.3 Facts in Support of the Findings Related to Geology and Soils

Implementation of the following mitigation measures will reduce potential significant adverse impacts of the proposed project related to slope stability to a less than significant level. There are no significant unavoidable adverse project impacts related to slope stability after implementation of these mitigation measures.

G-1 Landslides will be mitigated by exploration of the geometry of the failure surface, development of a remediation plan (removal of driving weight using grading equipment, construction of shear keys and/or buttresses and/or dewatering), and implementation of a remediation plan. Measures implemented will be similar to those performed in response to the 2002 NLC as described in the Geotechnical Investigation Report, Master

Development Plan, FRB Landfill (GeoLogic Associates, 2004) and will be designed to limit impacts to off-site areas, avoid impacts to future landfill operations, and minimize potential hazards to on-site personnel.

G-2 During construction of landslide remediation projects, it will be necessary to monitor landslide movement and groundwater levels in and around the landslide and to sequence construction in a manner that limits the extent of buttress backcut exposed at any one time, prior to completion of buttress construction.

G-3 Prior to construction of each phase of lateral expansion area, IWMD will be responsible for having additional geologic data obtained and subsequent slope stability analyses conducted to verify assumptions made for the stability analysis included in the Geotechnical Investigation Report, Master Development Plan, FRB Landfill, (GeoLogic Associates, 2004).

G-4 Prior to construction of each phased grading plan, IWMD will be responsible for having the excavation and grading plan meet stability requirements for all proposed cut, fill, and lined slopes. Slopes shall be designed to withstand the most credible earthquake or as required by current regulations. Liner design plans shall be submitted to the Santa Ana Regional Water Quality Control Board in a Design Report for approval.

G-5 Prior to obtaining a revised Solid Waste Facilities Permit and Waste Discharge Requirements for the expansion, the IWMD shall present a liner design concept in a Joint Technical Document (JTD) to be submitted to the RWQCB and LEA for approval and to the CIWMB for concurrence. As part of the JTD, the IWMD shall present the assumptions, methods, and calculations used to demonstrate seismic safety.

3.3 IMPACTS RELATED TO HYDROGEOLOGY AND WATER QUALITY

3.3.1 Potentially Significant Adverse Impacts Related to Hydrogeology and Water Quality

Implementation of the proposed project has the potential to adversely impact groundwater or groundwater quality.

3.3.2 Findings Related to Hydrogeology and Water Quality

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

3.3.3 Facts in Support of the Findings Related to Hydrogeology and Water Quality

Implementation of the following mitigation measures will reduce potential significant adverse project impacts related to groundwater or groundwater quality to a less than significant level. There are no significant unavoidable adverse project impacts related to groundwater after implementation of these measures.

HW-1 As part of each new phase of development, a composite liner or an alternative to the prescriptive composite liner and leachate collection and removal system will be constructed in the lateral expansion area to intercept and collect leachate for storage and proper disposition (disposal off-site or use as dust control), as approved by the RWQCB. A subdrain system will be installed to intercept perched and bedrock groundwater below the liner. Horizontal drains may also be installed below the North-end Landslide Complex (NLC) for the purposes of reducing the forces driving the landslide and to bring the piezometric head level below the design grades. The existing NLC horizontal drains are expected to remain active through future landfill development and additional horizontal drains will be installed as necessary. The prescriptive or alternative liner, leachate collection and removal system and subdrain will be approved by the RWQCB in a Design Report and will comply with federal and state requirements (27 CCR).

HW-2 As part of a Joint Technical Document to be prepared by IWMD prior to obtaining a revised Solid Waste Facilities Permit and Waste Discharge Requirements for the expansion, the liner design concept shall be submitted to the RWQCB and Local Enforcement Agency for approval and to the CIWMB for concurrence. As part of a Joint Technical Document, the IWMD shall also present the assumptions, methods, and calculations used to demonstrate seismic safety.

HW-3 During ongoing landfill operations (including the expansion areas), IWMD will continue to comply with the site's Waste Discharge Requirements and Monitoring and Reporting Program requirements imposed by the RWQCB for the protection of water quality.

HW-4 The Corrective Action Program in place at the landfill will continue to be implemented by IWMD if Volatile Organic Compounds are detected in groundwater.

3.4 IMPACTS RELATED TO SURFACE WATER HYDROLOGY

3.4.1 Potentially Significant Adverse Impacts Related to Surface Water Hydrology

Implementation of the proposed project has the potential to adversely impact the hydrological system.

3.4.2 Findings Related to Surface Water Hydrology

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant adverse environmental project impact related to hydrology as identified in the FEIR.

3.4.3 Facts in Support of the Findings Related to Surface Water Hydrology

Implementation of the following mitigation measures will reduce potential significant adverse project impacts to the hydrological system to a less than significant level. There are no significant unavoidable adverse project impacts to the hydrological system after implementation of these measures.

H-1 Prior to obtaining a revised Solid Waste Facilities Permit and Waste Discharge Requirements for the proposed expansion, the IWMD shall submit to the RWQCB, LEA and CIWMB a Joint Technical Document which presents the assumptions, methods and calculations used to calculate the potential flow quantities for run-on, run-off and sediment content of storm water flow used in sizing drainage and sediment control facilities for the FRB Landfill in conformance with 27 CCR regulations.

H-2 Prior to obtaining a revised Solid Waste Facilities Permit and Waste Discharge Requirements for the proposed expansion, the IWMD shall submit to the RWQCB, LEA and CIWMB a Joint Technical Document which includes surface water drainage plans for the FRB Landfill expansion final grading plans, including any berms, down drain systems, perimeter drainage channel improvements and the location of off-site discharge points for run-off water in compliance with 27 CCR regulations.

H-3 Prior to construction, drainage facilities for the landfill expansion shall be designed, according to 27 CCR, to prevent washout of the waste management unit during a 100-year storm event.

H-4 During ongoing landfill operations, diversion and drainage facilities shall be evaluated, designed, constructed and operated to accommodate the anticipated volume of precipitation and peak flows from surface run-off under the precipitation conditions specified in 27 CCR.

H-5 During ongoing landfill operations (including the expansion area), IWMD will continue to operate the landfill under a National Pollutant Discharge Elimination System (NPDES) Permit to discharge storm flows. The criteria and restrictions of the NPDES Permit and the Storm Water Pollution Prevention Plan and Best Management Practices that accompany the NPDES Permit will be adhered to.

H-6 During ongoing landfill operations (including the expansion area), IWMD will continue to provide positive drainage by maintaining a two to three percent slope on all landfill deck surfaces.

H-7 During ongoing landfill operations (including the expansion area), IWMD will continue to prepare and implement sediment and erosion control plans on an annual basis to reduce sediment and control erosion on the landfill site.

H-8 During ongoing landfill operations (including the expansion area) IWMD will remove silt and maintain the drainage and desilting basin facilities in order to provide proper drainage and erosion control. The proper maintenance of the Southeast Inlet Basin is particularly important to minimize silt buildup in the twin 60-inch pipes providing drainage for the eastern portion of the landfill.

3.5 IMPACTS RELATED TO TRANSPORTATION AND CIRCULATION

3.5.1 Potentially Significant Adverse Impacts Related to Transportation and Circulation

Implementation of the proposed project has the potential to create significant adverse traffic impacts. Sand Canyon Avenue at its intersection with Trabuco Road and Jeffrey Road at its intersection with Walnut Avenue will experiences a significant adverse impact as a result of project traffic in 2030.

3.5.2 Findings Related to Transportation and Circulation

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant adverse project impact related to traffic as identified in the FEIR.

3.5.3 Facts in Support of the Findings Related to Transportation and Circulation

Implementation of the following mitigation measures will reduce potential significant adverse project traffic impacts to a less than significant level. There are no significant unavoidable adverse project impacts related to traffic after implementation of these mitigation measures.

T-1 Sand Canyon Avenue at Trabuco Road. Extend the Advanced Transportation Management System (ATMS) strategies to encompass the intersection of Sand Canyon Avenue at Trabuco Road. The ATMS strategies at Sand Canyon Avenue at Trabuco Road will be installed in 2025 but will be discontinued at buildout conditions in 2030 based on information provided by the City of Irvine. The ATMS strategies apply the latest traffic control systems to improve traffic flow through the intersections. These traffic control systems include the use of interconnect, closed circuit television and communication system, upgraded traffic signal cabinets, controllers and detection systems, and a changeable message board. The ATMS strategies will only be operational during the A.M. and P.M. peak periods, when the intersection experiences the most traffic. This improvement will result in an A.M. peak hour ICU of 0.882 (LOS D) with mitigation compared to an ICU of 0.932 (LOS E) without mitigation.

T-2 Jeffrey Road at Walnut Avenue. Provide the westbound right-turn lane with a protected right-turn phase that is overlapped with the southbound left-turn phase in 2030. This improvement will result in an A.M. peak hour ICU of 0.830 (LOS D) with mitigation compared to an ICU of 0.982 (LOS E) without mitigation.

3.6 IMPACTS RELATED TO AIR QUALITY

3.6.1 Potentially Significant Adverse Impacts Related to Air Quality

Implementation of the proposed project will result in significant adverse impacts to regional air quality (fugitive dust, NO_x and VOC emissions) during construction and operation.

3.6.2 Findings Related to Air Quality

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Complete mitigation is not possible to avoid or reduce these impacts to a less than significant level.

3.6.3 Facts in Support of the Findings Related to Air Quality

Implementation of the following mitigation measures will substantially lessen the adverse impacts of the proposed project related to air quality. However, these mitigation measures will not reduce these significant adverse impacts to below a level of significance. Therefore, the proposed project will result in significant short and long term unavoidable impacts to air quality even with implementation of the following mitigation measures.

AQ-1 Applicable dust suppression techniques from Rule 403 shall be implemented. These techniques are summarized below. Additional dust suppression measures in the SCAQMD *CEQA Air Quality Handbook* are included as part of the project's mitigation. Implementation of these dust suppression techniques will reduce fugitive dust generation (and thus the PM_{10} component).

- Apply surfactants to or vegetate (i.e., grow grass) all inactive construction areas (previously graded areas inactive for 10 days or more).

- Water active sites at least twice daily (water or other surfactants should be applied as needed to active site grading areas to minimize fugitive dust).

- All trucks hauling dirt, sand, soil, or other loose materials should have a cover over the top of the material, spray water to minimize wind blown dust, or should maintain at least six inches of freeboard in accordance with the requirements of California Vehicle Code section 23114 (freeboard means vertical space between the top of the load and top of the trailer).

- If feasible, place base material or keep unpaved access roads moist to minimize dust on access road.

- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

- Revegetate disturbed areas as quickly as possible.

- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph and dust plumes are visible.

- All on-site streets shall be swept once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.

AQ-2 Dust generated by the construction activities shall be retained on site and kept to a minimum by the following dust control measures.

- During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.

- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the late morning and after work is completed for the day and whenever wind exceeds 15 mph.

- Immediately after clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil should be treated or properly maintained so that dust generation will not occur.

- Soil stockpiled for more than two days should be covered, kept moist, or treated with soil binders to prevent dust generation.

- Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped, sufficient amount of water applied to minimize dust, or maintain six inches of freeboard from the point of origin.

AQ-3 Implementation of the following measures will help reduce NO_x and PM_{10} emissions during operational activities:

- The IWMD shall purchase four, single engine, articulating dump trucks in fiscal year 2006/2007 to replace four, twin engine scrapers. The trucks will meet United States EPA Tier 3 emissions standards. In addition, IWMD will purchase one excavator.

- The IWMD shall routinely train employees in efficient scheduling and load management to eliminate unnecessary queue and idling of trucks with the landfill.

- Continue to be proactive in notifying truck drivers of the designated truck route.

- Make sure signage at the exit of the landfill indicating the turn direction to follow the designated truck route to the freeway is visible to all truck drivers.

- Continue to monitor wind speed and direction through the landfill's on-site weather station.

3.7 IMPACTS RELATED TO NOISE

3.7.1 Potentially Significant Adverse Impacts Related to Noise

Implementation of the proposed project is not anticipated to result in significant adverse impacts to existing or planned noise-sensitive receptors. Therefore, no mitigation is required and no significant unavoidable adverse impacts will occur.

3.8 IMPACTS RELATED TO BIOLOGICAL RESOURCES

3.8.1 Potentially Significant Adverse Impacts Related to Biological Resources

Implementation of the proposed project will result in significant adverse impacts on jurisdictional Waters of the U.S. and wetlands and state jurisdictional waters. The impact area contains 2.81 acres of waters of the U.S. (2.06 acres of the overall total are considered jurisdictional wetlands by the ACOE standards) and 6.37 acres of CDFG jurisdictional waters of the State (including 5.62 acres of riparian habitat). In addition, the proposed project will result in significant adverse impacts to southern willow scrub and southern sycamore riparian woodland.

Implementation of the proposed project will result in significant adverse impacts to sensitive biological resources, including plant communities and plant and wildlife species (removal of approximately 138.34 acres of coastal sage scrub, thread-leaved brodiaea, many-stemmed dudleya, vernal barley, chaparral beargrass and Intermediate Mariposa Lily).

3.8.2 Findings Related to Biological Resources

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Complete mitigation is not possible to avoid or reduce impacts to the temporal loss of wetland habitat values and functions.

3.8.3 Facts in Support of the Findings Related to Biological Resources

Implementation of the following mitigation measures will substantially lessen the adverse impacts of the proposed project related to biological resources. However, these mitigation measures will not reduce the significant adverse impact to the temporal loss of wetland habitat values and functions to below a level of significance. Therefore, the proposed project will result in significant unavoidable adverse impacts to biological resources even with implementation of the following mitigation measures.

B-1 The IWMD will prepare a NCCP Major Amendment to address impacts associated with the unauthorized loss of 138.34 acres of CSS at the FRB Landfill during MDP implementation. As part of the Major Amendment, the County of Orange's IWMD will tailor a plan to enhance subregional habitat values and balance important solid waste infrastructure requirements. A component of the plan will be focused on executing a strategy to ensure no net loss of subregional habitat values as a result of the development and implementation of the FRB MDP.

The plan will include the conversion of Oso Nursery to open space by restoring the site with CSS to enhance connectivity between the Central Subregion and Southern Subregion of the NCCP. As an additional supplement to Oso Nursery, Santiago Canyon Landfill will receive treatment to restore 66 acres and compensate for 33 acres (2:1) of CSS take authorization. In addition, and part of the supplemental program, the Santiago Canyon Landfill easement restoration of 56.7 acres will compensate for 28 acres (2:1). To cover the balance and create a surplus at FRB Landfill, IWMD will transfer existing County CSS Take Authorizations totaling 45 acres (1:1).

B-2 The IWMD will mitigate for impacts to southern willow scrub and southern sycamore riparian woodland and jurisdictional areas. The IWMD will work with the ACOE, CDFG and Regional Water Quality Control Board (RWQCB) to develop appropriate mitigation measures. The IWMD has proposed preliminary mitigation for the project. Conceptual mitigation for project impacts is proposed to include: (1) Giant reed eradication in the headwaters of Oso Creek on the County owned parcel at the Oso Nursery site (commences FY 06-07), which will include five years of maintenance and monitoring, and (2) payment of an in-lieu fee for restoration and enhancement activities in the San Diego Creek watershed.

With the above action, it is the intent of IWMD to mitigate for the lost functions and values of the wetland/riparian community, consistent with resource agency requirements and conditions presented in Section 404 Corps permit and 1602 CDFG Streambed Alteration Agreement and meet the regulatory standards for the applicable state and/or federal regulatory programs.

B-3 During final design of the project, the Project Biologist will review the design plans and make recommendations for avoidance and minimization of sensitive biological resources. The IWMD or other implementing agency/agencies staff shall determine the feasible and practicable implementation of those recommendations.

B-4 In conjunction with the development of final design plans and specifications for construction, or other activities involving vegetation/habitat removal, the Project Biologist shall approve the final design map of all sensitive habitats (Environmentally Sensitive Areas) within 152.4 meters (500 feet) of the grading limits on the grading plans.

B-5 A Biological Resources Management Plan (BRMP) will be prepared prior to construction. The BRMP will provide specific design and implementation features of the biological resources mitigation measures outlined in resource agency approval documents. Issues during construction and operation to be addressed in the BRMP should include, but are not limited to, resource avoidance, minimization, and restoration guidelines, performance standards, maintenance criteria, and monitoring requirements.

The primary goal of the BRMP will be to ensure the long term perpetuation of the existing diversity of habitats through restoration in the project area and adjacent urban interface zones, if any, and to prevent offsite or indirect effects. The BRMP should contain, at a minimum, the following:

- Identification of all Environmentally Sensitive Areas (ESA). ESAs are defined as sensitive habitats including, but not limited to, areas subject to the jurisdiction of the CDFG, ACOE, and USFWS and identified in the Central and Coastal Subregion NCCP/HCP.

- Design of protective fencing (i.e., t-bar or yellow rope) around ESAs and the construction staging areas.

- For areas that will be restored, the quality of the adjacent habitat should be characterized. This characterization should include species composition, density, coverage, and presence of nonnatives. This characterization will provide a baseline to compare the success of the restoration. The site preparation plan for each restoration site should include:

    - Sources of plant materials and methods of propagation.

    - Site preparation (clearing, grading, weed eradication, soil amendment, topsoil storage), irrigation, planting (container plantings, seeding), and maintenance (weed control, irrigation system checks, replanting) of restoration areas. Specification of parameters for maintenance and monitoring of restoration areas, including weed control measures, frequency of field checks, and monitoring reports for temporary disturbance areas.

    - Remedial measures to be taken if performance standards are not met.

    - Methods and requirements for monitoring of the restoration efforts.

    - Specification of the purpose, type, frequency, and extent of chemical use for insect and disease control operations as part of vegetative maintenance within restoration areas.

- Specific measures should be identified for the protection of sensitive habitats to be preserved in and adjacent to the FRB property to ensure that construction does not increase beyond the impacts identified in the EIR. These measures should include, but are not limited to, erosion and siltation control measures, protective fencing guidelines, dust control measures, grading techniques, construction area limits, and biological monitoring requirements.

B-6 IWMD or other implementing agency/agencies will continue to employ a Project Biologist at the FRB Landfill responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with construction of the proposed project in accordance with the adopted mitigation measures and applicable law.

The Project Biologist's duties include:

- Review of design plans and recommends ways to minimize impacts.

- Review final design and specifications of projects impacting resources or those within 500 feet of sensitive habitats for compliance with BRMP and/or applicable resource agency permits.

- Monitor grading and document compliance with minimization measures.

B-7 During grading activities and construction operations, the Project Biologist will conduct monitoring within and adjacent to sensitive habitats including monitoring of the installation of protective devices (silt fencing, sandbags, fencing, etc.), installation and/or removal of creek crossing fill, construction of access roads, vegetation removal, and other associated construction activities, as deemed appropriate by the Project Biologist. Biological monitoring should be conducted to document adherence to habitat avoidance and minimization measures addressed in the project mitigation measures and as listed in the USFWS, CDFG, and ACOE permits/agreements.

B-8 IWMD will implement the standard mandatory construction condition mitigation measures below as defined in the NCCP Compliance Procedural Guidelines for Landfill Related Projects:

- To the extent practicable, clearing and grading of CSS habitat will occur outside of the breeding and nesting season for the CAGN (February 15 through July 15) and other bird species, including Southern California rufous-crowned sparrow and raptors.

- Prior to the commencement of clearing or grading activities, a survey will be conducted within the project site to determine the presence/absence of CAGN or cactus wren. The survey will extend 100 feet from the grading limits. The locations of CAGN or cactus wren observed within the survey area will be clearly marked and identified on the construction/grading plans.

- Prior to the commencement of grading, all areas of CSS habitat located outside of the project footprint will be fenced or marked with materials clearly visible to construction personnel. No construction access, parking or storage of equipment or materials will be permitted within these marked areas. Waste dirt or rubble will not be deposited on adjacent CSS.

- Pre-construction meetings will be conducted and documented by the monitoring biologist to educate construction supervisors, equipment operators, and other site employees on the importance of adherence to conservation measures.

- A qualified monitoring biologist will be on site during the clearing of CSS. The IWMD will advise the USFWS/CDFG at least seven (7) calendar days (and preferably fourteen [14] calendar days) prior to the clearing of any habitat occupied by target species to allow USFWS/CDFG to coordinate with the monitoring biologist. It will be the responsibility of the monitoring biologist to ensure that CAGNs and cactus wrens are not directly harmed by brush-clearing and earth-moving equipment.

- Access roads shall be periodically sprayed with water to reduce the potential for dust accumulation on the leaves of CSS species, as recommended by the monitoring biologist.

B-9 IWMD shall conduct pre-construction surveys for thread-leaved brodiaea, many-stemmed dudleya, vernal barley and chaparral beargrass in areas of suitable habitat prior to construction. If any of these plant species are found within the project limits, a conceptual mitigation plan will be prepared by IWMD for any significant impacts that would be expected on these species as a result of the proposed project.

B-10 IWMD shall implement the following mitigation measures below:

IWMD shall implement a duff (i.e., seed material) and/or re-vegetation plan within the NCCP Reserve to reestablish CSS impacted by the proposed project. The plan shall be implemented and monitored by a qualified Restoration Ecologist familiar with the biology and ecology of the Southern California plant communities and that of the project site. Location of candidate duff and/or re-vegetation areas within the landfill will be coordinated with IWMD operations staff. Where appropriate, duff shall be collected from areas in which CSS is removed. This material shall be placed in areas deemed appropriate by IWMD for re-vegetation and weed abatement, or temporarily inactive disposal area slopes.

IWMD is currently implementing a successful revegetation program at the FRB Landfill site for the restoration of CSS. As the Landfill is developed, upon completion of each phase, and the beginning of a new phase, CSS duff material from the new phase is collected and transported to the completed phase, where the duff is revegetated on the side slopes of the Landfill. The completed phase is then hydroseeded with CSS. A maintenance crew, directed by the on-site restoration ecologist, is responsible for maintaining all of the CSS revegetation areas on the project site, keeping theses areas free of invasive non-native weeds, debris and litter. IWMD will continue to perform maintenance and monitoring of each CSS revegetation area until the sites have reached their performance objectives.

B-11 The impacts to IML occur during Phases VIII A, VIII B, IX, and X Excavations of the FRB MDP. Under NCCP/HCP regulations, if a population of more than twenty (20) individual plants is identified, then the County is required to prepare a mitigation plan that: (1) addresses design modifications or other on-site measures that are consistent with the project's purpose, minimizes impacts to IML habitat, and provides appropriate protections for any adjoining conserved IML habitat; (2) provides for an evaluation of salvage, restoration/enhancement/ management of other conserved IML, or other mitigation techniques to determine the most appropriate mitigation measures to offset impacts, and implements mitigation consistent with the foregoing evaluation; and, (3) provides for monitoring and adaptive management of IML consistent with Chapter 5 of the NCCP/HCP. This mitigation plan must also be developed in coordination with USFWS, CDFG, and Nature Reserve of Orange County (NROC), and approved by the USFWS. The IWMD will be required to develop a transplantation program for impact to IML in accordance with requirements noted above and in coordination with the NROC, CDFG and USFWS.

In order to pre-mitigate for FRB MDP impacts to the IML, IWMD is already implementing a long-term mitigation plan at the FRB site that includes the excavation and transplantation of bulbs, seed collection, nursery propagation, experimental studies and long term performance monitoring. The first phase of the IML Mitigation Plan was completed in August 2004, when 234 IML bulbs were transplanted to four receptor sites in the northeast corner of the FRB property, outside of the future FRB MDP development limits.

B-12 The impacts to many-stemmed dudleya occur during Phase IX Excavation of the FRB MDP. IWMD shall prepare a mitigation plan for the transplantation of a population of 1,838 plants located within the MDP disturbance footprint to avoid direct impacts.

3.9 IMPACTS RELATED TO AESTHETICS

3.9.1 Potentially Significant Adverse Impacts Related to Aesthetics

Implementation of the proposed project will result in significant adverse impacts to views in the study area and will result in significant adverse impacts related to light and glare.

3.9.2 Findings Related to Aesthetics

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Complete mitigation is not possible to avoid or reduce impacts related to views in the study area to a less than significant level.

3.9.3 Facts in Support of the Findings Related to Aesthetics

Implementation of the following mitigation measures will substantially lessen the adverse impacts of the proposed project related to aesthetics. However, these mitigation measures will not reduce the significant adverse impact to views in the study area to below a level of significance. Therefore, the proposed project will result in significant unavoidable adverse impacts to aesthetics even with implementation of the following mitigation measures.

AS-1 The interim and final slopes of the landfill will be seeded with CSS species that are found on hills adjacent to the landfill. Interim slopes will be seeded as each lift is completed. Implementation of this measure will assist in blending the landfill with the adjacent undeveloped hills.

AS-2 All outdoor lighting, including any construction-related lighting, shall be designed, installed, and operated in a manner that ensures that all direct rays from project lighting are contained within the landfill property, and that residences and undeveloped areas that may provide wildlife value are protected from spillover light and glare.

3.10 IMPACTS RELATED TO CULTURAL AND SCIENTIFIC RESOURCES

3.10.1 Potentially Significant Adverse Impacts Related to Cultural and Scientific Resources

Two previously recorded cultural resources sites outside the proposed project's disturbance limits were located. No additional cultural resources were noted within the project disturbance limits. However, there is the potential for uncovering unknown cultural resources during ground disturbing activities which would potentially result in significant adverse impacts on cultural resources.

3.10.2 Findings Related to Cultural and Scientific Resources

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant adverse environmental project impact related to cultural and scientific resources as identified in the FEIR.

3.10.3 Facts in Support of the Findings Related to Cultural and Scientific Resources

Implementation of the following mitigation measures will reduce potential significant adverse project impacts related to cultural and scientific resources to a less than significant level. There are no significant unavoidable adverse project impacts to cultural and scientific resources after implementation of these measures.

CR-1 Prior to the issuance of grading permit(s), and in compliance with County SCA A04, the County will retain a qualified cultural resource specialist to monitor the project's subsurface areas during grubbing and land disturbance from construction activities. The cultural resource specialist shall, consistent with County SCA A03, examine, evaluate, and determine the most appropriate disposition of any potential artifact and shall have the authority to temporarily halt work until any identified artifacts can be recovered, handled, and/or surveyed in the appropriate manner.

CR-2 Prior to issuance of grading permit(s) and prior to excavation in undisturbed geological units, the County will retain a paleontological resource specialist to conduct paleontological resource monitoring consistent with County SCA A07.

3.11 IMPACTS RELATED TO HAZARDS/RISK OF UPSET

3.11.1 Potentially Significant Adverse Impacts Related to Hazards/Risk of Upset

Implementation of the proposed project is not anticipated to result in significant adverse impacts related to hazards/risk of upset. Therefore, no mitigation is required and no significant unavoidable adverse impacts will occur.

4.0 FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or location of the project, which could feasibly attain the basic objectives of the project and to evaluate the comparative merits of the alternatives (Section 15126.6 of the CEQA Guidelines). Analysis of every possible alternative or options or combination of options would overburden the EIR with an unnecessary amount of detail that would be redundant and complex and would, as a result, fail to provide meaningful information for the County to consider in its review of the project. To develop the alternatives that were analyzed in the EIR, a list of potential alternatives was prepared. For that analysis, the project alternatives were evaluated to determine the extent to which they meet the basic project objectives, while avoiding or substantially lessening any significant adverse impacts of the proposed project. In making the following alternatives findings, the Board Supervisors certifies that is has independently reviewed and considered the information on alternatives provided in the FEIR, including the information provided in comments on the DEIR and the Responses thereto. The FEIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the FEIR is incorporated in these findings by reference.

In determining the scope of the alternatives analysis, and the reasonable range of the alternatives to be analyzed, the alternatives in the FEIR were framed by considering the project objectives, as well as the significant impacts of the proposed project. The project objectives are identified in the FEIR and are reproduced below:

- Ensure that the long term disposal needs of the County's Solid Waste System are met.
- Maximize capacity of the existing landfills, including the FRB Landfill.
- Ensure adequate revenue and maintain local control of waste disposal for as long as possible to provide consistent and reliable public fees/rates.
- Maintain efficient, cost effective and high quality IWMD operations.
- Minimize adverse environmental impacts.

The following project objective addresses the intent of the proposed project to provide for landslide remediation:

- Remediate and stabilize landslide areas to comply with 27 CCR in the landfill area and to protect and provide for future landfilling capacity on the landfill property.

The following objective addresses the intent to reduce potential impacts on biological resources associated with cover soil acquisition and stockpiling:

- Provide for soil management needs on-site to avoid impacts on adjacent canyons.

The proposed project was compared to several alternatives, including the No Project Alternative as required by the CEQA. These Alternatives were: Alternatives 1a and 1b - No Project: No FRB Expansion and No Daily Tonnage Increase; Alternatives 2a and 2b - FRB Expansion: No Daily Tonnage Increase; Alternatives 3a and 3b - FRB Expansion: Daily Tonnage (Annual Average) Increase to 11,500 TPD; and Alternatives 4a and 4b - FRB Expansion: Daily Tonnage

Increase at Prima.

The analysis in the EIR concludes that the proposed project will result in some short and long term significant adverse impacts which can not be mitigated to a less than significant level. These unavoidable adverse impacts are related to air quality, biological resources, and aesthetics.

The project, as proposed, represents the culmination of plans applied for by the project proponents and approved by the County of Orange Planning Commission and Board of Supervisors. The project has been refined to the County's specifications during the course of public review. The project incorporates comments and review from the following:

1. Responses to the Notice of Preparation;

2. Input from the scoping meetings conducted by the County and public review of the project;

3. Analysis of the project by staff of various County departments;

4. Responses to Comments on the DEIR; and

5. Analysis of the project by the County of Orange Planning Commission and Board of Supervisors.

4.1 ALTERNATIVES 1a and 1b - NO PROJECT: NO FRB EXPANSION AND NO DAILY TONNAGE INCREASE

The No Project Alternative proposes no change to the FRB Landfill, neither an increase in capacity (through a vertical or horizontal expansion) nor an increase in daily tonnage. The No Project Alternative considers a closure date for the Olinda Alpha Landfill of a) 2013 with no expansion and b) 2021, with an approved expansion. The No Project Alternative also proposes no change at the Prima Deshecha Landfill with its operation complying with current permit conditions.

No Project Alternatives 1a and 1b specifically assume the following for the FRB Landfill:

- No vertical and horizontal expansions at the FRB Landfill.
- No extension in the life of the FRB Landfill and no change in the current effective closure date of 2014.
- No planned slope remediation for on site landslides.
- No change in the currently permitted daily tonnage limit of 8,500 TPD except for 36 high tonnage days per year in which 10,625 TPD is allowed.
- No change in the existing access to/from the landfill.
- No change in on site equipment, operations and staff at this landfill.
- No change in the number of daily truck trips to the FRB Landfill.
- There would be no change in the level and scope from the level and scope anticipated in the existing regulatory permits or in the levels anticipated in the Settlement Agreement with the City of Irvine.

No Project Alternatives 1a and 1b assume no change in the design or operations at Prima Deshecha Landfill. There would be no increase in the long-term physical capacity or permitted daily tonnage limit of 4,000 TPD and there would be no change in the permitted capacity or closure date of 2067 at Prima Deshecha Landfill.

No Project Alternative 1a assumes that the currently proposed expansion at Olinda Alpha Landfill does not occur and that the assumptions for this landfill are the same as the existing operations and design at this landfill in mid-2005. Under Alternative 1a, the Olinda Alpha Landfill will close in 2013. No Project Alternative 1b assumes that the currently proposed expansion at Olinda Alpha Landfill does occur. Under Alternative 1b, the Olinda Alpha Landfill will close in 2021.

The No Project Alternative would include no action by the County of Orange. Under this Alternative, none of the proposed project components at the FRB Landfill would occur. As such, under this Alternative, the FRB Landfill would continue to receive up to an annual average of 8,500 TPD of MSW, except for 36 days of the year in which a high tonnage rate of 10,625 TPD is allowed under the current landfill operating permits and Settlement Agreement between the City of Irvine and IWMD and would operate until its current effective closure date of 2014.

Under the No Project Alternative, importation of waste into the Orange County disposal system will end in either 2013 or 2015, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Exportation of waste from Orange County would occur in either 2013 or 2021, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Out-of-County landfills would have to be permitted to accept the excess tonnage from Orange County and may include El Sobrante Landfill in Riverside County and/or the Mid-Valley Landfill in San Bernardino County.

4.1.1 Summary of Major Environmental Impacts of Alternatives 1a and 1b

Alternative 1a

Under Alternative 1a, no change from existing conditions, no expansion and no extension of the life of the FRB Landfill would occur. This Alternative would be the environmentally superior alternative in the vicinity of the landfill because there would be less physical change to existing environmental conditions compared to the proposed project and the project alternatives. However, environmental impacts associated with hauling/disposing of waste at alternate disposal sites would occur and the effective life expectancy at out of county landfills would be shortened.

Alternative 1b

Under Alternative 1b, no change from existing conditions, no expansion and no extension of the life of the FRB Landfill would occur. This Alternative would be the environmentally superior alternative in the vicinity of the landfill because there would be less physical change to existing environmental conditions compared to the proposed project and the project alternatives. However, environmental impacts associated with hauling/disposing of waste at alternate disposal sites would occur and the effective life expectancy at out of county landfills would be shortened.

4.2 ALTERNATIVES 2A AND 2B - FRB EXPANSION: NO DAILY TONNAGE INCREASE

Alternatives 2a and 2b propose the vertical and horizontal expansions for the FRB Landfill and no increase in the maximum daily tonnage for either the FRB Landfill or the Prima Deshecha Landfill. Under Alternatives 2a and 2b, out-of-County export of waste will be required when the Olinda Alpha Landfill closes in a) 2013, with no expansion or b) 2021, with an approved expansion. Alternatives 2a and 2b assume no change for the Prima Deshecha Landfill with its operation complying with current permit conditions.

Alternatives 2a and 2b specifically assume the following for the FRB Landfill:

- The same vertical and horizontal expansions at the FRB Landfill as under the proposed project.
- Extension of the life of the FRB Landfill to 2053.
- The same slope remediation for on site landslides as under the proposed project.
- The same Soil Management Plan as under the proposed project.
- Similar protection of native plant and animal species and habitats as under the proposed project.
- No change in the currently permitted daily tonnage limit of 8,500 TPD except for 36 high tonnage days per year in which 10,625 TPD is allowed.
- No change in the existing access to/from the FRB Landfill.
- No change in on site equipment, operations and staff at this landfill.
- No change in the number of daily truck trips to the FRB Landfill.
- If the project activities differ in level and scope from the level and scope anticipated in the Settlement Agreement with the City of Irvine and existing regulatory agencies with jurisdictional oversight for the FRB Landfill adjustments and modifications to some or all of these documents may be necessary if required by law, to reflect the changes contemplated by the project.

Alternatives 2a and 2b assume no change in operations or design at Prima Deshecha Landfill. There would be no increase in the long term physical capacity or permitted daily tonnage limit of 4,000 TPD at Prima Deshecha Landfill and there would be no change in the permitted capacity or closure date of 2067 at Prima Deshecha Landfill.

Alternative 2a assumes that the currently proposed expansion at Olinda Alpha Landfill does not occur and that the assumptions for this landfill are the same as the existing operations and design at this landfill in mid-2005. Under Alternative 2a, the Olinda Alpha Landfill will close in 2013. Alternative 2b assumes that the currently proposed expansion at Olinda Alpha Landfill does occur. Under Alternative 2b, the Olinda Alpha Landfill will close in 2021.

Alternatives 2a and 2b would require action by the County of Orange for the FRB Landfill. Under this Alternative, all the proposed project components at the FRB Landfill, except an increase in TPD, would occur. Under Alternatives 2a and 2b, the FRB Landfill would continue to receive up to an annual average of 8,500 TPD of MSW, except for 36 days of the year in which a high tonnage rate of 10,625 TPD is allowed. There would be an increase in the long

term physical capacity at the FRB Landfill based on the vertical and horizontal expansions and the effective closure date would be extended from 2014 to 2053.

Under Alternatives 2a and 2b, importation of waste into the Orange County disposal system will end in either 2013 or 2015, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Exportation of waste from Orange County would occur in either 2013 or 2021, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Out-of-County landfills would have to be permitted to accept the excess tonnage from Orange County and may include El Sobrante Landfill in Riverside County and/or the Mid-Valley Landfill in San Bernardino County.

4.2.1 Summary of Major Environmental Impacts of Alternatives 2a and 2b

Alternative 2a

Alternative 2a is similar to the proposed project. This Alternative would result in impacts to aesthetics, traffic, noise, and air quality. However, the impacts to traffic and noise would be slightly less than that for the proposed project because less MSW would be transported and interred at the FRB Landfill. Alternative 2a would result in significant adverse impacts to aesthetics because the character of views would be significantly changed and some views to visual resources would be obstructed. The impacts to air quality have the potential to be greater than that for the proposed project because MSW will be transported to Prima Deshecha Landfill and other out-of-County landfills when the FRB Landfill closes.

Alternative 2b

Alternative 2b is similar to the proposed project. This Alternative would result in impacts to aesthetics, traffic, noise, and air quality. However, the impacts to traffic and noise would be slightly less than that for the proposed project because less MSW would be transported and interred at the FRB Landfill. Alternative 2b would result in significant adverse impacts to aesthetics because the character of views would be significantly changed and some views to visual resources would be obstructed. The impacts to air quality have the potential to be greater than that for the proposed project because MSW will be transported to Prima Deshecha Landfill and other out-of-County landfills when the FRB Landfill closes.

4.3 ALTERNATIVES 3A AND 3B - FRB EXPANSION: DAILY TONNAGE (ANNUAL AVERAGE) INCREASE TO 11,500 TPD

Alternatives 3a and 3b proposes an increase in the permitted annual average refuse inflow rate of 8,500 TPD at FRB to 11,500 TPD which meets the RELOOC demand projection of 15,500 TPD by 2039 with the Prima Deshecha Landfill maintaining its permitted waste inflow rate of 4,000 TPD. Alternatives 3a and 3b also consider a closure date for the Olinda Alpha Landfill of a) 2013, with no expansion and b) 2021, with an approved expansion.

Alternatives 3a and 3b specifically assume the following for the FRB Landfill:

- The same vertical and horizontal expansions at the FRB Landfill as under the proposed project.
- Extension of the life of the FRB Landfill to 2044 under Alternative 3a.
- Extension of the life of the FRB Landfill to 2047 under Alternative 3b.
- The same slope remediation for on-site landslides as under the proposed project.
- The same Soil Management Plan as under the proposed project.
- Similar protection of native plant and animal species and habitats as under the proposed project.
- Change in the maximum daily TPD to 11,500 TPD and a change in the annual average TPD to 11,500 TPD to meet the County's long-term system demand for the RELOOC study period.
- No change in the existing access to/from the FRB Landfill.
- Increase in on site equipment, operations and staff at this landfill.
- Increase in the number of daily truck trips to the FRB Landfill.
- Since the project activities differ in level and scope from the level and scope anticipated in the Settlement Agreement with the City of Irvine and existing regulatory agencies with jurisdictional oversight for the FRB Landfill, adjustments and modifications to some or all of these documents may be necessary if required by law, to reflect the changes contemplated by the project.

Alternatives 3a and 3b assume no change in operations or design at Prima Deshecha Landfill. There would be no change in the long term physical capacity or permitted daily tonnage limit of 4,000 TPD at Prima Deshecha Landfill under Alternatives 3a and 3b and there would be no change in the permitted capacity or closure date of 2067 at Prima Deshecha Landfill. The permitted daily tonnage limit and closure date for Prima Deshecha Landfill is taken from the 2001 Prima Deshecha General Development Plan Final Environmental Impact Report No. 575 (Keeton Kreitzer Consulting, 2001).

Alternative 3a assumes that the currently proposed expansion at Olinda Alpha Landfill does not occur and that the assumptions for this landfill are the same as the existing operations and design at this landfill in mid-2005. Under Alternative 3a, the Olinda Alpha Landfill will close in 2013. Alternative 3b assumes that the currently proposed expansion at Olinda Alpha Landfill does occur. Under Alternative 3b, the Olinda Alpha Landfill will close in 2021. Assumptions of the Olinda Alpha Landfill were taken from the Draft Environmental Impact Report for the RELOOC Strategic Plan-Olinda Alpha Landfill Implementation (P&D Consultants, 2004) and the Final Environmental Impact Report, Olinda/Olinda Alpha Access Road (County of Orange, 1997).

Alternatives 3a and 3b would require action by the County of Orange for the FRB Landfill. Under this Alternative, all the proposed project components at the FRB Landfill would occur. In addition, this Alternative, unlike the proposed project, would increase the Annual Average TPD at the FRB Landfill from 8,500 TPD to 11,500 TPD. There would also be an increase in the long term physical capacity at the FRB Landfill based on the vertical and horizontal expansions.

Under Alternatives 3a and 3b, importation of waste into the Orange County disposal system will end in either 2013 or 2015, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Under Alternatives 3a and 3b, the County's projected waste disposal needs will be met and export of waste would not occur during the RELOOC study period (through 2039).

4.3.1 Summary of Major Environmental Impacts of Alternatives 3a and 3b

Alternative 3a

Alternative 3a is similar to the proposed project. This Alternative will result in significant adverse impacts to aesthetics, traffic, and air quality. Impacts related to this alternative would be less than that for the proposed project since the duration of landfill operations will be shorter than that under the proposed project. Under Alternative 3a, the FRB Landfill would close in 2044.

Alternative 3b

Alternative 3b is similar to the proposed project. This Alternative will result in significant adverse impacts to aesthetics, traffic, and air quality. Impacts related to this alternative would be less than that for the proposed project since the duration of landfill operations will be shorter than that under the proposed project. Under Alternative 3b, the FRB Landfill would close in 2047.

4.4 ALTERNATIVES 4A AND 4B - FRB EXPANSION: DAILY TONNAGE INCREASE AT PRIMA

Alternatives 4a and 4b propose a balance of waste inflow into the two remaining County landfills after the Olinda Alpha Landfill closes and is consistent with the RELOOC long-term strategies. These alternatives propose approval of a daily tonnage increase at the Prima Deshecha Landfill from 4,000 TDP to 7,000 TDP when the Olinda Alpha Landfill closes which meets the RELOOC demand projection of 15,500 TDP by 2039 (with the FRB Landfill maintaining its permitted annual average waste inflow rate of 8,500 TDP). Alternatives 4a and 4b also consider a closure date for the Olinda Alpha Landfill of a) 2013, with no expansion and b) 2021, with an approved expansion.

Alternatives 4a and 4b specifically assume the following for the FRB Landfill:

- The same vertical and horizontal expansions at the FRB Landfill as under the proposed project.
- Extension of the life of this landfill to 2053.
- The same slope remediation for on site landslides as under the proposed project.
- The same Soil Management Plan as under the proposed project.
- Similar protection of native plant and animal species and habitats as under the proposed project.

- No changes in the currently permitted daily tonnage limit of 8,500 TDP except for 36 high tonnage daily per year in which 10,625 TDP is allowed.
- No change in the existing access to/from the FRB Landfill.
- No increase in on site equipment, operations and staff at this landfill.
- No increase in the number of daily truck trips to the FRB Landfill.
- Since the project activities differ in level and scope from the level and scope anticipated in the Settlement Agreement with the City of Irvine and existing regulatory agencies with jurisdictional oversight for the FRB Landfill, adjustments and modifications to some or all of these documents may be necessary if required by law, to reflect the changes contemplated by the project.

Alternatives 4a and 4b assume an increase in the TPD at Prima Deshecha Landfill from the existing permitted 4,000 TPD to 7,000 TPD to meet the County's long-term system demand by the end of the RELOOC study period. This increase is proposed to be approved in either 2013 or 2021, depending on whether the proposed expansion at Olinda Alpha Landfill is implemented. Although this alternative proposes an increase in the maximum daily tonnage inflow rate from 4,000 to 7,000 TPD when the Olinda Alpha Landfill closes, the RELOOC tonnage projections indicate a gradual increase in the daily tonnage rate for the Prima Deshecha Landfill; reaching 7,000 TPD in approximately 2050. Based on the RELOOC tonnage projections, the Prima Deshecha Landfill would close in 2057 (under Alternative 4a) and in 2059 (under Alternative 4b).

Alternative 4a assumes that the currently proposed expansion at Olinda Alpha Landfill does not occur and that the assumptions for this landfill are the same as the existing operations and design at this landfill in mid-2005. Under Alternative 4a, the Olinda Alpha Landfill will close in 2013. Alternative 4b assumes that the currently proposed expansion at Olinda Alpha Landfill does occur. Under Alternative 4b, the Olinda Alpha Landfill will close in 2021.

Alternatives 4a and 4b would require action by the County of Orange for the FRB and Prima Deshecha landfills. Under this Alternative, all the proposed project components at the FRB Landfill, except the increase in TPD, would occur. In addition, this Alternative would increase the TPD at Prima Deshecha Landfill from 4,000 TPD to 7,000 TPD. There would be an increase in the long term physical capacity at the FRB Landfill based on the vertical and horizontal expansions. There would be a reduction in lifespan at Prima Deshecha Landfill under Alternatives 4a and 4b, resulting in an earlier closure date for that landfill than the currently permitted closure date of 2067.

Under Alternatives 4a and 4b, importation of waste into the Orange County disposal system will end in either 2013 or 2015, depending on whether the proposed expansion project at Olinda Alpha Landfill is implemented. Under Alternatives 4a and 4b, the County's projected waste disposal needs will be met and export of waste would not occur during the RELOOC study period (through 2039).

4.4.1 Summary of Major Environmental Impacts of Alternatives 4a and 4b

Alternative 4a

Alternative 4a will result in impacts to aesthetics, traffic, noise, and air quality. Impacts related to this alternative would be greater than that for the proposed project because more MSW would be transported and interred at the FRB Landfill and Prima Deshecha Landfill.

Alternative 4b

Alternative 4b will result in impacts to aesthetics, traffic, noise, and air quality. Impacts related to this alternative would be greater than that for the proposed project because more MSW would be transported and interred at the FRB Landfill and Prima Deshecha Landfill.

5.0 ABILITY OF THE ALTERNATIVES TO MEET THE PROJECT OBJECTIVES

As shown in Table 5-1, the only Alternative which meets all the project objectives is the proposed project. The Alternative 1a and 1b is the only alternative which does not meet any of the project objectives. Alternatives 2, 3 and 4 do not meet the project objectives to the same degree as the proposed project.

TABLE 5-1
ABILITY OF THE ALTERNATIVES TO MEET THE PROJECT OBJECTIVES

Project Objectives	Proposed Project	Alternatives 1a and 1b	Alternatives 2a and 2b	Alternatives 3a and 3b	Alternatives 4a and 4b
	Does the Alternative meet the Project Objective?				
Ensure that the long term disposal needs of the County's Solid Waste System are met.	Yes	No	Yes	Yes	Yes
Maximize capacity of the existing landfills, including the FRB Landfill.	Yes	No	No	Yes	Yes
Ensure adequate revenue and maintain local control of waste disposal for as long as possible to provide consistent and reliable public fees/rates.	Yes	No	No	Yes	Yes
Maintain efficient, cost effective and high quality IWMD operations.	Yes	No	Yes	Yes	Yes
Minimize adverse environmental impacts.	Yes	Yes	Yes	Yes	Yes
Remediate and stabilize landslide areas to minimize the risk for future slope failures in the area and to protect and provide for future landfilling capacity on those parts of the landfill property.	Yes	No	Yes	Yes	Yes
Provide for soil management needs on-site to avoid impacts on adjacent canyons.	Yes	No	Yes	Yes	Yes

Source: P&D Consultants, (2005).

6.0 COMPARISON OF IMPACTS

Table 6-1 shows a comparison of the environmental effects of the proposed project, the project alternatives and the No Project Alternatives. Each of the build alternatives would result in environmental impacts greater than would occur under the No Project Alternative. Therefore, the No Project Alternative is the environmentally superior alternative, although it would not meet project objectives as discussed earlier. Section 15126.6(e) of the CEQA Guidelines states that if the No Project Alternative is selected as the environmentally superior alternative, then the EIR shall also identify an environmental superior alternative among the other alternatives. The remaining alternatives have similar environmental impacts. Of the remaining alternatives, the proposed project is the environmentally superior alternative.

TABLE 6-1
COMPARISON OF THE ENVIRONMENTAL IMPACTS OF ALL PROJECT ALTERNATIVES

Environmental Parameter	Proposed Project	Alternative 1a and 1b	Alternative 2a and 2b	Alternative 3a and 3b	Alternative 4a and 4b
Land Use and Planning	1	1	2	2	2
Geology and Soils	2	1	2	2	2
Hydrology and Water Quality	2	1	2	2	2
Transportation and Circulation	2	2	2	2	2
Air Quality	3	3	3	3	3
Noise	2	2	2	2	2
Biological Resources	2	1	2	2	2
Aesthetics	3	1	3	3	3
Cultural and Scientific Resources	2	1	2	2	2
Hazards/Risk of Upset	2	2	2	2	2

Legend
1. Insignificant or no impact.
2. Impact that can be mitigated to a level of insignificance.
3. Impact that can not be mitigated to a level of insignificance.
Source: P&D Consultants (2005).

It should be noted that Alternatives 3a and 3b do result in an increase in typical average daily traffic volumes, air quality emissions and noise and vibration as a result of increased daily tonnage from 8,500 to 11,500. The local circulation network will experience increased volumes of truck trips as a result of the tonnage increase. However, the duration of the landfill life will be shortened as a result, requiring the need for additional landfill capacity at that time. The trade-off between additional truck trips over a shorter duration versus keeping the landfill open for a longer duration with less truck trips is difficult to assess for comparative purposes. Certainly, for the more near term, Alternatives 3a and 3b would be considered to have a more substantive impact for traffic, air quality and noise exposure as compared to Alternatives 2 and 4, or

compared to the proposed project. In this case, the near term is a substantial amount of time and therefore Alternatives 3a and 3b would presumably rank as having more substantive impacts accordingly.

Adequacy of the Range of Alternatives Addressed/Analyzed

The Board of Supervisors finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the proposed project's environmental effects, while accomplishing most, but not all of the elements of the proposed project objectives and its corollary implementing measures. The Board of Supervisors finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the County's ability to achieve the proposed project objectives.

7.0 CUMULATIVE IMPACTS

Per Section 15130(a) of the CEQA Guidelines, an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. *See* CEQA Guidelines at Section 15065(c).

In accordance with the aforesaid mandates, the FEIR analyzes the potential cumulative impacts associated with implementation of the proposed project. In evaluating the proposed project's cumulative impacts, the FEIR considered specific project located within the relevant study area, as well as the adopted general plans for affected local jurisdictions and regional development projections. *See* CEQA Guidelines Section 15130(b).

LAND USE AND PLANNING

The proposed expansion of the FRB Landfill would not result in any cumulative land use impacts. While development around the landfill property represents incremental growth of the area and the intensification of uses incumbent with that growth, the landfill operations would remain the same under both existing conditions and the proposed project. The only change is that the landfilling operation would continue from 2022 to the estimated horizon or closure year 2053, and that there would be an increase in the permitted daily tonnage rate of 8,500 TPD to a maximum of 11,500 TPD to accommodate high tonnage days. The landfill property is designated Public Facilities (4) in the County of Orange General Plan which allows for the disposal of MSW. The Solid Waste Facility-Landfill Site (LS) Overlay is also applied to the land use designation of the FRB Landfill in the County of Orange General Plan. In addition, the landfill is located in the City of Irvine's Planning Area 3 (PA 3) and is designated for Open Space Preservation (OSP) land use with a Landfill Overlay. Therefore, the extension of landfilling on the landfill property would not have cumulative impacts on the planned land uses in the City of Irvine or the County of Orange. It should be noted that the only impact is continuation of the existing operation (which is continuation of the existing condition).

GEOLOGY AND SOILS

Geotechnical impacts are site-specific; through City and County development review processes, planned and proposed future development projects would be evaluated for potential geotechnical impacts. Where needed, mitigation measures would be required to minimize or avoid potential geotechnical impacts. Therefore, the project would not have cumulatively adverse impacts related to geology.

On-site soil to be used for daily cover, road construction and other related uses is available on the FRB Landfill property. There is adequate soil available in the near term for landfill operations with proposed on-site excavation at the FRB Landfill. However, prior to site closure the site is projected to have a dirt shortfall assuming a 4:1 refuse-to-soil ratio. The MDP includes recommendations to accept free soil at the site when stockpile capacity is available and to increase refuse-to-soil ratios through the use of alternative daily covers in order to provide the total soil requirements for daily cover operations and closure. Fill and cover techniques at the landfill would be similar to the methods currently employed. Waste would be deposited, compacted and covered daily using appropriate landfilling methods. Therefore, the project would not have cumulatively adverse impacts related to soils.

HYDROGEOLOGY AND WATER QUALITY

There is a potential for impacts to groundwater as a result of the proposed project. However, with implementation of the mitigation measures, the impacts would be considered less than significant. Given that the leachate collection and removal system (LCRS) for landfilling operations is subject to approval by the RWQCB-SA and must comply with federal and state requirements (27 CCR), no cumulatively considerable impacts would occur to groundwater as a result of the proposed project.

SURFACE WATER HYDROLOGY

There is a potential for impacts to surface flow as a result of the proposed project. However, with implementation of mitigation measures, the impacts would be considered less than significant. Given that the drainage facilities for the landfill expansion will be designed, constructed and operated to accommodate the anticipated volume of precipitation and peak flows from surface run-off under the precipitation conditions specified in Title 27 of the CCR, no cumulatively considerable impacts would occur to surface water as a result of the proposed project. The landfill expansion will continue to operate under an NPDES Permit to discharge storm flows. The project will comply with the criteria and restrictions of the NPDES Permit and the SWPPP and BMPs that accompany that permit.

TRANSPORTATION AND CIRCULATION

The proposed expansion of the FRB Landfill includes an increase in the permitted daily tonnage rate of 8,500 TPD to maximum of 11,500 TPD (maintaining 8,500 TPD as an annual average). The proposed project will result in increased truck trips from the permitted 1,958 truck trips to 2,106 truck trips. The proposed project will result in an increase in the permitted number of

daily refuse truck trips to the FRB Landfill and will create a significant adverse impact to Sand Canyon Avenue at Trabuco Road during the A.M. peak hour in 2030 and to Jeffrey Road at Walnut Avenue during the A.M. peak hour in 2025 and 2030. However, with implementation of the mitigation measures T-1 and T-2, traffic related impacts will be reduced to below a level of significance. In addition, other projects in the study area also provide mitigation measures for their traffic related impacts. Therefore, no cumulatively considerable transportation and circulation impacts are anticipated as a result of the proposed project.

AIR QUALITY

Emissions associated with cumulative construction are based on the quantity and types of construction equipment working concurrently on any given day during project construction. Estimates of when and what types of equipment would be used for construction of projects in the local area are extremely speculative. The combined emissions from concurrent construction of cumulative projects would likely exceed the SCAQMD thresholds and would result in a significant adverse regional air quality impact The proposed project exceeds established SCAQMD thresholds (NO_x, VOCs, and PM_{10}) during construction and operation. Therefore, the impact from the proposed project plus related cumulative projects would additionally contribute to cumulatively significant adverse emissions to the South Coast Air Basin, which is already a nonattainment area. This impact is significant and adverse and cannot be mitigated to levels of insignificance. Regional programs to reach air quality goals and standards will be adhered to by the cumulative projects, reducing the impact. However, the incremental increase must be considered significant and adverse when added to the existing nonattainment levels of the South Coast Air Basin.

Implementation of mitigation measures AQ-1 and AQ-2 would reduce construction and operational emissions further, as required by SCAQMD. However, after mitigation, NO_x, VOCs, and PM_{10}emissions will remain above the SCAQMD's daily construction and operation emission thresholds. Therefore, project emissions would contribute to the nonattainment of these pollutants and thereby result in a significant cumulative regional air quality impact.

NOISE

Because the proposed project expansion is not in the vicinity of off-site sensitive uses, noise associated with construction and daily operations on the project site would have little or no cumulative noise impacts on off-site uses.

There are several development projects approved for the incorporated area in the vicinity of the FRB Landfill, generally southwesterly and southerly of the landfill. These development projects will incrementally contribute to increases in traffic and will increase the number of noise-sensitive uses in the vicinity of roads utilized by project-related trucks, including heavy-duty waste/refuse trucks. This interface of sensitive uses and increased truck traffic may result in adverse noise impact exceeding local noise standards. However, the application of City of Irvine development standards requiring developers/builders to construct soundwalls or incorporate other design features to reduce environmental noise affecting their projects will avoid potential significant adverse impacts. Therefore, no significant cumulative noise impacts are anticipated from the proposed project.

BIOLOGICAL RESOURCES

Permanent direct impacts on sensitive biological resources within the FRB MDP would occur as each phase is cleared and ultimately graded. The initial clearing and conversion of native plant communities to landfill operations would create conditions largely unsuitable to sensitive biological resources. These areas would permanently be unable to support native plant communities or populations of plant and wildlife species. Permanent long-term direct impacts to sensitive biological resources, including plant communities and plant and wildlife species, would occur. Sensitive species previously identified during focused surveys including Intermediate Mariposa Lily, Catalina mariposa lily, many-stemmed dudleya, California gnatcatcher and California cactus wren would be directly affected by implementation of the MDP. However, the proposed project would not result in significant adverse impacts to biological resources after mitigation as the CSS restoration allocation credit and long-term conservation strategies offset these potentially significant adverse impacts.

As other development in the area occurs, such as the PA1/PA2/PA9 Project and the Northern Sphere Project, the potential for cumulative impacts related to biological resources is increased. According to the PA1/PA2/PA9 Project Draft EIR, adherence to the mitigation measures listed in the Draft EIR will reduce any potential impact on biological resources to less than significant. According to the Northern Sphere Project EIR, implementation for the adopted NCCP/HCP and the mitigation measures listed in the Draft EIR will reduce all project-specific and cumulative biological impacts to a less than significant level. The PA1/PA2/PA9 Project and the Northern Sphere Project in conjunction with the landfill expansion would not contribute to adverse impacts to biological resources.

The FRB Landfill is part of the Orange County Central and Coastal Subregion NCCP Reserve area, established for the preservation of land in designated areas of Orange County. Specifically, the FRB Landfill is in the Central Subregion area of the NCCP Reserve. The Section 10a Permit, issued as part of the NCCP program, authorizes take of coastal sage scrub within areas of the FRB Landfill designated as Special Linkage and areas designated as Reserve. The NCCP provides regional biological benefits which would be unlikely to occur on a project-by-project basis. Implementation of the NCCP, dedication of lands and the endowment by the participating land owners mitigate impacts of proposed and future development on covered habitats and identified species. As a result, cumulative biological impacts are considered to be mitigated to a less than significant level.

While development in the project area is expected to increase, the proposed landfill expansion would not contribute to cumulative adverse impacts related to biological resources.

Note: *Development activities and uses that are addressed by the NCCP/HCP are considered fully mitigated under the NCCP Act and the state and federal ESAs for impacts to habitat occupied by listed and other "identified species" and to species dependent upon or associated with "covered habitats". Species that have been located on the FRB landfill site that qualify as identified species include coastal California gnatcatcher, coastal cactus wren, orange-throated whiptail, coastal western whiptail, San Diego horned lizard, coyote, gray fox, northern harrier, red-shouldered hawk, and southern California rufous-crowned sparrow. Conditionally covered*

species are addressed in the NCCP with specific conditions. Provided adherence to NCCP policies and procedures are undertaken, no further mitigation is necessary.

AESTHETICS

The FRB Landfill expansion project in conjunction with other development projects in proximity of the landfill would not result in cumulative aesthetic impacts. Through City and County development review processes, planned and proposed future development projects would be evaluated for potential aesthetic impacts. Where needed, mitigation measures would be required to minimize or avoid potential aesthetic impacts. Implementation of the FRB Landfill expansion project would result in project-related aesthetic impacts. However, it is speculative that other development projects proposed in the project vicinity would also result in aesthetic impacts. Therefore, the project would have no cumulatively adverse impacts related to aesthetics.

CULTURAL AND SCIENTIFIC RESOURCES

There was a very low likelihood for finding significant resources on the site. Precautionary mitigation measures were added to the project to ensure that any previously unknown resources on the site would be protected should they be discovered during grading operations. Given the low likelihood of resources being on-site and the fact that other projects in the area are typically subject to similar protective mitigation for cultural and paleontological resources, no cumulatively considerable impacts would occur to these resources as a result of the proposed project.

HAZARDS/RISK OF UPSET

Only municipal solid waste (MSW) is accepted at the FRB Landfill. Hazardous materials such as asbestos, batteries, chemicals, paints, non-autoclaved medical waste, and other substances considered hazardous are not accepted. The landfill operates under existing regulations related to hazardous materials and follows standard procedures in the event of hazards which could affect the site such as fire or earthquake. These practices would continue under the extension of landfill operations from 2022 to the estimated horizon or closure year of 2053. Additionally, there are no nearby uses which, when considered with the landfill operations, increase any hazard risks on-site or to areas surrounding the landfill property. Therefore, there are no cumulatively considerable impacts related to hazards/risk of upset from the implementation of the proposed project.

8.0 GENERAL FINDINGS

1. The plans for the proposed project have been prepared and analyzed so as to provide for public involvement in the planning and the CEQA processes.

2. To the degree that any impacts described in the DEIR are perceived to have a significant adverse effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant adverse effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the FEIR or is outweighed by the facts set fourth in the Statement of Overriding Considerations (SOC).

3. Comments regarding the DEIR received during the public review period have been adequately addressed in the Reponses to Comments Report included in the FEIR. Any significant adverse effects described in such comments were avoided or substantially lessened by the mitigation measures described in the DEIR or are outweighed by the facts set forth in the SOC.

9.0 ABSENCE OF SIGNIFICANT NEW INFORMATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. No significant new information has been received regarding this project.

10.0 STATEMENT OF OVERRIDING CONSIDERATIONS

1. Changes of alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects of the environment.

2. Specific economic, legal, social, technological, or other considerations make infeasible effective mitigation measures or the alternatives identified in the Final EIR. The Board of Supervisors has adopted a Statement of Overriding Considerations to address this impact of the proposed project.

3. The Statement of Overriding Considerations contains the complete information on which it is based.

11.0 LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the County's findings and decisions are based are located at County of Orange, Integrated Waste Management Department, 320 North Flower Street, Suite 400, Santa Ana, CA 92703. The custodian for these documents is the Director of the Integrated Waste Management Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code of Regulations Section 15091(e).