

**STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
RELOOC STRATEGIC PLAN – FRANK R. BOWERMAN LANDFILL
IMPLEMENTATION EIR**

1.0 INTRODUCTION

The County of Orange is the Lead Agency under the California Environmental Quality Act (CEQA), responsible for preparation, review and certification of the Final Environmental Impact Report (FEIR) for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Landfill Implementation (EIR No. 604). As the Lead Agency, the County is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed action.

In making this determination the Lead Agency is guided by the CEQA Guidelines Section 15093 which provides as follows:

- a) CEQA 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. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

In addition, Public Resources Code Section 21082(b) requires that where a public agency finds that economic, legal, social, technical or other reasons make the mitigation measures or alternatives identified in the EIR infeasible and thereby leave significant unavoidable adverse project effects, the public agency must also find that overriding economic, legal, social, technical or other benefits of the project outweigh the significant unavoidable adverse effects of the project.

Although most potential environmental impacts identified in Final EIR 604 for the project have been substantially avoided or mitigated through the identification and adoption of Project Design Features, and Mitigation Measures (as more specifically described in the Statement of Findings and Facts approved for the project), some impacts including those which the County believes are

adequately mitigated, remain, or may be asserted to remain, for which complete mitigation is not feasible or may not be sufficient in some other manner. As to any impacts considered significant and unavoidable if the project is approved and implemented, after balancing the specific economic, legal, social, technological and other benefits of the project, the Board of Supervisors has determined that the unavoidable, adverse environmental impacts as addressed in the EIR are considered acceptable in light of the considerations, specifically identified below, which outweigh the unavoidable, adverse environmental impacts of the project as specifically identified or subsequently determined.

Final EIR 604 identified a number of alternatives to the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Project (proposed project) to evaluate and determine the extent to which they meet the basic project objectives, while avoiding or substantially lessening any significant adverse impacts of the proposed project. However, for the reasons detailed in the Statement of Findings of Facts in Support of the proposed project, the proposed project was found to be the environmentally superior alternative.

The County of Orange Board of Supervisors (BOS), acting as the Lead Agency and having reviewed Final EIR 604 and public records, adopts this Statement of Overriding Considerations (SOC), which has balanced the benefits of the project against its significant unavoidable adverse impacts in reaching a decision to approve the project.

2.0 UNAVOIDABLE ADVERSE SIGNIFICANT IMPACTS

2.1 AIR QUALITY

2.1.1 Impact

Implementation of the proposed project would create short and long term significant adverse air quality impacts which cannot be mitigated to below a level of significance and which, therefore, are considered to be significant unavoidable adverse impacts. The mitigation measures identified in the FEIR would substantially lessen the significant adverse impacts but would not completely avoid these impacts.

2.2 BIOLOGICAL RESOURCES

2.2.1 Impact

Implementation of the proposed project would result in the temporal loss of wetland habitat values and functions which cannot be mitigated to below a level of significance and which, therefore, are considered to be significant unavoidable adverse impacts. The mitigation measures identified in the FEIR would substantially lessen the significant adverse impacts but would not completely avoid these impacts.

2.3 AESTHETICS

2.3.1 Impact

Implementation of the proposed project would obstruct part of the Santiago Hills and Loma Ridge resulting in a significant adverse impact which cannot be mitigated to below a level of significance and which, therefore, is considered to be unavoidable adverse impacts. In addition, these views would change from an undeveloped curvilinear ridgeline to that of a large, man-made form that highly contrasts with the adjacent rolling hills. The mitigation measures identified in the FEIR would substantially lessen the adverse impacts but would not completely avoid these impacts.

3.0 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 such information has been provided.

Therefore, the Board of Supervisors hereby finds that no significant new information has been added to the FEIR since public notice was given of the availability of the DEIR that would require recirculation of the EIR.

4.0 OVERRIDING CONSIDERATIONS

The proposed action consists of the adoption of the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR for the vertical and horizontal expansion of Frank R. Bowerman Landfill located at 11002 Bee Canyon Access Road in unincorporated Orange County, near the City of Irvine. Analysis in the EIR for this project has concluded that the proposed project will result in air quality, biological resources, and aesthetic impacts that cannot be mitigated to a less than significant level. All other potential significant adverse project impacts have been mitigated to a level less than significant based on mitigation measures in the FEIR. All significant unavoidable adverse impacts are identified in the EIR and are addressed in the Statement of Findings and Facts.

The County has determined that the significant unavoidable adverse impacts to air quality, biological resources, and aesthetics resulting from the implementation of the proposed project, which will remain after mitigation, are acceptable and are outweighed by specific social, economic and other benefits of the project. In making this determination, the following factors and public benefits were considered as overriding considerations which apply to the unavoidable significant adverse impacts of the proposed project.

1. Strategic planning for municipal solid waste (MSW) needs in Orange County is the responsibility of the County of Orange Integrated Waste Management Department (IWMD). RELOOC 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. Current capacity demand is presently being served by the existing Frank R. Bowerman Landfill, which as of June 30, 2005 has a remaining refuse capacity of 44.6 million tons. Implementation of the proposed project would ultimately provide an additional MSW capacity of 130 million cubic yards over the current permitted capacity. This increase will enable the County to maximize capacity of an existing landfill and ensure that current and long term disposal needs are met.
2. FRB Landfill opened in 1990 and is presently scheduled for closure in 2022. The capacity of a landfill is determined by, among other factors: total air space, refuse volume, liner volume, refuse-to-soil ratio. At present, the landfill capacity for Orange County is 19.7 million tons at Olinda Alpha, 78.6 million tons at Prima Deshecha Landfill and 44.6 million tons at FRB. At FRB Landfill, the current permitted tonnage is 8,500 tons per day, with 36 peak days per year at 10,625 tons per day. The current available airspace for FRB is 226,300,000 cubic yards. The refuse capacity of the landfill is 1,450 pounds per cubic yard. Final cover will add 4 feet of soil over the immediate cover. The present height of the landfill is 950 feet AMSL. The presently permitted height of the landfill is 1,100 feet AMSL. The proposed project would increase the maximum height of the landfill to 1,350 feet AMSL. The project will provide an additional 130 million cubic yards of landfill capacity. The proposed project would also allow an increase in the permitted refuse footprint from 341 acres to 534 acres. The proposed expansion at FRB would allow it to continue for an additional 31 years to 2053 at the present rate, with peak days at 11,500 tons per day.
3. The project also includes slope stabilization in certain landslide areas in order to stabilize the slope. This will include approximately 34 acres outside of the present landfill boundary. The landslide has reduced the current capacity of the landfill by 40 million cubic yards. This reduction in airspace has effectively reduced the life of the landfill to 2014 without the landfill stabilization. By remediation of the effects of the landslide, and the additional increases of vertical and horizontal landfill capacity included in the project, the project would extend the life of the FRB landfill from 2014 to 2053.
4. If the proposed project does not occur, FRB landfill will close in 2014. Exportation of waste would become necessary somewhere between 2014 and 2021, depending on dates of closure of the various landfills. Waste from Orange County would then need to be transported to landfills in Riverside or San Bernardino Counties, or beyond. This would result in additional costs to Orange County residents for the cost of transportation and perhaps additional costs. Permits for additional capacity might be required at the out of county landfills. In addition, the new long haul truck operations would probably cause additional traffic and air quality impacts. Rail or truck hauling for even greater damage could have additional impacts.
5. Effective and timely implementation of the RELOOC plan is critical for maintaining local control over solid waste capacity in Orange County for as long as possible and thereby maintaining control over the disposal rates and fees that Orange County cities and citizens

pay. This is important because Orange County residents generate about 4 million tons of refuse every year. Research indicates that by 2039 Orange County's population will have increased by 25 percent. Therefore, the need for disposal capacity will only continue to increase.

6. Implementation would maximize benefit of County's investment in the solid waste disposal facility. Since a significant portion of the cost of landfill development is associated with siting a landfill and installation of the liner, maximizing use of an existing facility avoids having to duplicate those costs and maximizes the benefit of those initial investments.
7. The unavoidable adverse impacts of the proposed project have been mitigated to the extent possible and, although significant adverse impacts still remain, it is the goal of the IWMD which regulates landfills in Orange County, to provide a long term regional solid waste management facility with appropriate environmental safeguards to protect the environmental resources which exist on-site and on properties surrounding landfills. The proposed project will minimize adverse environmental impacts associated with solid waste disposal.
8. The proposed project will provide needed facilities and services to residents of the County. The ultimate use of this property, after termination of landfilling, will be a passive regional park which will enhance regional recreational opportunities in the County.
9. Implementation of the proposed project will enable the IWMD to maintain adequate revenues and local control of waste disposal to provide consistent and reliable public rates and fees.
10. Implementation of the proposed project would minimize adverse environmental impacts by fully utilizing an existing solid waste disposal facility, thereby precluding the development of new landfill facilities in Orange County.
11. The planning for this project was based on projected population changes, waste tonnage projections which established a total system demand for waste capacity. This analysis was part of an effort to develop viable short and long term waste disposal options for the County. Failure to provide for the waste disposal needs of the County in its existing landfills will require transportation of waste that cannot be accommodated to out of County landfills as considerable expense to the County and its residents and with additional environmental impacts.

5.0 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).