RESOLUTION NO. 06-__

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA

August 15, 2006

On Motion of Supervisor _____, duly seconded and carried, the following Resolution was adopted:

WHEREAS, the County of Orange ("County") prepared the Regional Landfill Options for Orange County ("RELOOC") Strategic Plan which assessed existing disposal system capacity in Orange County, assessed future system demands and developed viable short and long-term strategies and options for meeting the County's solid waste disposal needs;

WHEREAS, the RELOOC Strategic Plan recommended the expansion of the Frank R. Bowerman Landfill to provide for short and long-term solid waste disposal capacity in Orange County;

WHEREAS, the Board of Supervisors of Orange County adopted Resolution No. ____ approving the RELOOC Strategic Plan on May 21, 2002; and

WHEREAS, the Frank R. Bowerman Landfill is entirely located within unincorporated Orange County; and

WHEREAS, on July 21, 2005, the County is lead agency under the California Environmental Quality Act ("CEQA") issued a Notice of Preparation ("NOP") for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation Environmental Impact Report No. 604 ("Project") and caused the NOP to be distributed to all responsible agencies, trustee agencies and interested parties for review and comment; and

WHEREAS, the County, in an effort to provide further opportunity for public review and solicit public comments relative to Environmental Impact Report ("EIR") No. 604, conducted a public scoping meeting on August 4, 2005; and

WHEREAS, pursuant to the NOP for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR No. 604, and in recognition of the comments received in response to the NOP, the County determined that the Project may result in significant adverse effects and therefore prepared Draft EIR No. 604 (State Clearinghouse Number SCH No. 2005071102), dated January 24, 2006; and

WHEREAS, a Notice of Completion for the Draft EIR 604 was filed on January 24, 2006 giving public notice of the availability of Draft EIR 604 for review and comment; and

WHEREAS, copies of Draft EIR 604 were circulated and made available for public review and comment between January 24, 2006 and March 9, 2006 (the "Comment Period"); and

WHEREAS, during the Comment Period, 12 comment letters were received relative to Draft EIR 604; and

WHEREAS, in accordance with the requirements of CEQA, responses to those comments were prepared, and said comments and responses were provided to the Planning Commission in a separate document entitled "Responses to Comments Draft EIR No. 604 State Clearinghouse No. 2055071102" ("Responses to Comments"); and

WHEREAS, in furtherance of CEQA's goal of promoting public participation in the environmental review process, the Orange County Planning Commission conducted a public hearing on June 7, 2006 to solicit comment thereon; and

WHEREAS, in connection with said public hearings, IWMD prepared a proposed Final EIR 604 for Planning Commission review, comment and recommendation, all in accordance with the Planning Commission's role as an advisory body to the Board of Supervisors on such matters; and

WHEREAS, the proposed Final EIR 604 is comprised of (i) Draft EIR 604 text with appendices, (ii) Clarifications and Revisions to Draft EIR 604, (iii) Responses to Comments, (iv) Mitigation Monitoring and Reporting Program, (v) Statement of Findings and Facts in Support of Findings and (vi) Statement of Overriding Considerations; and

WHEREAS, the Planning Commission reviewed all documentation and materials comprising the EIR and found that proposed Final EIR 604 identifies all significant environmental effects of the Project, and that there are no known potential environmental impacts which are not specifically and adequately addressed in proposed Final EIR 604; and

WHEREAS, the Planning Commission found that although proposed Final EIR 604 identifies certain significant environmental effects that will result if the Project is approved, those significant effects which can be feasibly mitigated or avoided have been reduced to an acceptable level by the incorporation of mitigation measures on the approved Project. The individual mitigation measures identified for the Project are incorporated into the Statement of Findings (see Exhibit A) as part of the Mitigation Monitoring and Reporting Program ("MMRP") (see Exhibit B). For those Project significant effects that cannot be reduced to less than significant level, even after the

incorporation of mitigation measures, a Statement of Overriding Considerations has been prepared and is included as Exhibit C; and

WHEREAS, the Planning Commission reviewed all documentation and materials comprising the Final EIR and found that proposed Final EIR 604 considers all environmental effects of the Recommended Project and is complete and adequate and fully complies with all requirements of CEQA, the CEQA Guidelines and the County's environmental analysis procedures; and

WHEREAS, the Planning Commission reviewed the findings contained in the draft "Statement of Findings and Facts in Support of Findings" with respect to significant impacts identified in proposed Final EIR 604. The Statement of Findings is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Planning Commission, in conformity with IWMD's recommendation, recommended that the Board of Supervisors find the proposed Final EIR adequate and complete and certify it as Final EIR 604 in compliance with CEQA Guidelines Section 15090; and

WHEREAS, the Board of Supervisors held a public hearing on August 15, 2006 to (i) receive public testimony concerning the Project and proposed Final EIR 604 and to consider the recommendation of the Planning Commission relative to certification of proposed Final EIR 604; and

WHEREAS, a MMRP has been drafted to meet the requirements of CEQA Section 21081.6 as a mitigation measure monitoring program. The MMRP is designed to ensure compliance with the mitigation measures imposed upon the Project to avoid or substantially lessen the significant effects identified in proposed Final EIR 604. The MMRP checklist, which is incorporated into the MMRP, defines the following for each mitigation measure:

- Method and Timing for Verification – In each case, a method and time for verification of the mitigation, or review of evidence that mitigation has taken place, is provided. The method and verification points selected are designed to ensure that impact-related components of Project implementation are adequately addressed and do not proceed without establishing that the mitigation is assured.

- Responsible Person – In each case, an IWMD employee or designee (i.e., qualified construction monitor) is named by title to ensure that each mitigation measure is carried out.

- Definition of Mitigation – In each case, the mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

WHEREAS, a copy of the MMRP is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the CEQA Guidelines require that the Board of Supervisors make one or more of the following findings prior to approval of a project for which an environmental impact report has been completed, identifying one or more significant effects of the project, along with statements of fact supporting each finding:

> Finding 1 – Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the environmental impact report.
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> Finding 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.
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> Finding 3 – Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

WHEREAS, the Board of Supervisors contemplates and directs continuing compliance with CEQA and the CEQA Guidelines in the implementation of the phases and elements of the Project as recommended by the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Supervisors certifies Final EIR 604 as complete and adequate in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA, the CEQA Guidelines and the County's environmental analysis procedures. All of the information comprising Final EIR 604 is on file with the County of Orange Integrated Waste Management Department, 320 N. Flower Street, Suite 400, Santa Ana, California.

2. The Board of Supervisors makes the findings contained in the "Statement of Findings and Fact in Support of Findings" (collectively "Statement of Findings") with respect to significant impacts identified in Final EIR 604. Specifically, the Board of Supervisors finds that each fact in support of the individual findings is true and based upon substantial evidence in the record, including Final EIR 604. The Statement of Findings is attached hereto as Exhibit A and incorporated herein by this reference.

3. The Board of Supervisors finds that Final EIR 604 identifies all significant environmental effects of the Project, and that there are no known

potential environmental impacts which are not specifically and adequately addressed in the Final EIR.

4. The Board of Supervisors finds that although Final EIR 604 identifies certain significant environmental effects that will result if the Project is approved, those significant effects which can be feasibly mitigated or avoided have been reduced to an acceptable level by the incorporation of project design features, standard conditions of approval and requirements, and by the imposition of mitigation measures on the approved Project. The individual mitigation measures identified for the Project are incorporated into the Statement of Findings (see Exhibit A) as part of the MMRP (see Exhibit B).

5. The Board of Supervisors finds that Final EIR 604 describes a reasonable range of alternatives to the Project that could feasibly obtain most of the basis objectives of the Project but would avoid or substantially lessen one or more of the significant effects associated with the proposed project (including the "No Project Alternative"), even though these alternatives might be more costly or infeasible.

6. The Board of Supervisors finds that no substantial evidence has been presented which would call into question the facts and conclusions appearing in Final EIR 604.

7. The Board of Supervisors finds that no significant new information has been added to Final EIR 604 such that recirculation for additional public review is necessary or required pursuant to CEQA Guidelines Section 15088.5.

8. The Board of Supervisors finds that the MMRP establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to CEQA Guidelines Section 21081.6.

9. The Board of Supervisors hereby adopts the MMRP, and directs that the mitigation measures be incorporated into the Project prior to or concurrent with Project approval and implementation.

10. The Board of Supervisors finds that the unavoidable adverse effects of the Project (as identified in the Statement of Findings, included as Exhibit A) that have not been reduced to a level of less than significant have been, nonetheless, lessened in their severity by the imposition of the mitigation measures identified in the MMRP (see Exhibit B). This Board further finds that the remaining, unavoidable significant impacts are either (1) clearly outweighed by the economic social, and other benefits of the Project (as more particularly described in the Statement of Overriding Considerations) or (ii) subject to mitigation pursuant to changes,