INTEGRATED WASTE MANAGEMENT DEPARTMENT REPORT

DATE: June 7, 2006

TO: Orange County Planning Commission

FROM: Janice V. Goss, Director

SUBJECT: Proposed Final Environmental Impact Report 604 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman (FRB) Landfill Implementation

LOCATION: The FRB Landfill is located in unincorporated Orange County, at 11002 Bee Canyon Access Road, near the City of Irvine

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I. PROJECT SUMMARY

The Regional Landfill Options for Orange County (RELOOC) is a long range (40-year) strategic planning project initiated by the County of Orange Integrated Waste Management Department (IWMD) in 1998. The purpose of RELOOC was to assess the County's existing disposal system capabilities and future needs, and to develop viable short and long-term solid waste disposal options for the County. One of the strategies of RELOOC was to maximize capacity at existing sites with landfill expansions at Olinda Alpha & Frank R. Bowerman (FRB) landfills.

This Environmental Impact Report (EIR 604) analyzes the potential environmental impacts associated with the continued operation of the FRB Landfill until closure, estimated to occur in the year 2053. The proposed project includes a vertical and horizontal expansion of the FRB Landfill. The proposed project would provide additional landfill capacity for Orange County residents and businesses.

II. CURRENT LANDFILL OPERATION

The FRB Landfill opened in 1990 and its currently permitted closure date is 2022. In 2002, a major landslide occurred which resulted in limiting available capacity at FRB to 2014 unless the proposed project is implemented. 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.

The landfill property covers approximately 725 acres with 341 acres permitted for waste disposal. The permitted daily tonnage limit for the FRB Landfill is 8,500 tons per day (tpd) of refuse except for up to 36 days per year, when the landfill is allowed to accept up to 10,625 tpd (i.e., to accommodate higher tonnage days that usually precede or follow major holidays). The

landfill is open Monday through Saturday (307 days a year), 7:00 a.m. to 4:00 p.m. for all commercial customers. Transfer trucks only are permitted from 4:00 p.m. to 5:00 p.m.

The FRB Landfill accepts municipal solid waste (msw) from commercial haulers and vehicles operating under commercial status only. Hazardous materials such as asbestos, batteries, chemicals, paints, medical waste and other substances considered hazardous are not accepted at the landfill. The waste composition at FRB Landfill under the proposed project would not differ from that currently received at the landfill.

The FRB Landfill complies with all federal, state and local regulations for municipal solid waste landfills. Site staff conduct daily inspections to ensure compliance with all permit conditions imposed by regulatory agencies having jurisdiction over solid waste landfills. These permit conditions include specific procedures for controlling fires, leachate, landfill gas, dust, vector birds, noise, odors, drainage, erosion and traffic.

III. PROPOSED PROJECT

Briefly, the proposed project includes:

- Phased vertical and horizontal expansion of FRB within the existing property boundary;
  - Change in permitted elevation from approximately 1100' to 1350' above mean sea level (AMSL);
  - Temporary disturbance outside the property boundary to remediate the 2002 landslide;
- An increase of total landfill capacity of more than 130 million cubic yards (mcy) of which 104 mcy is municipal solid waste fill space that will extend the life of the landfill to approximately 2053;
- An annual average of 8,500 tons per day (current permitted level) of municipal solid waste disposal with a daily maximum of 11,500 tpd;
- A Soil Management Plan that preserves adjacent canyons by stockpiling operational dirt on-site;
- Provisions to ensure that plant and animal habitat continue to be planned for and protected.

The objectives of the proposed project at the FRB Landfill, which were derived from the adopted RELOOC Strategic Plan goals and objectives, include the following:

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

Proposed Project Features

The proposed project includes an increase in daily tonnage and a vertical and horizontal expansion of the FRB Landfill. The annual average of the project is proposed to be 8,500 tpd which is the current landfill permitted level. An increase in the permitted daily tonnage rate of 8,500 tpd to a maximum of 11,500 tpd is being proposed to accommodate high tonnage days. This affords the landfill operation flexibility in waste receipt, while maintaining the same overall scale of operation.

The expansion of the FRB Landfill would provide additional municipal solid waste capacity of 104 mcy which results in an additional total airspace of 130 mcy. This would extend the remaining life of the landfill from its current closure date of 2014 (due to the effect of the 2002 landslide) and permitted closure date of 2022, to approximately 2053, based on an annual average waste inflow rate at the currently permitted limit of 8,500 TPD.

As proposed in the vertical expansion, the height of the FRB Landfill would be increased from its current permitted level of 1,100 feet AMSL to 1,350 feet AMSL representing a net vertical increase of approximately 250 feet. This maximum build out elevation includes final cover. The current elevation for landfill operation is approximately 950 feet AMSL.

The horizontal expansion would provide for approximately 193 additional acres of refuse footprint area over the currently permitted refuse footprint of 341 acres, for a total proposed project refuse footprint of approximately 534 acres. This refuse footprint would be contained within the existing 725 acre landfill property. In two areas the project goes off-site in a temporary disturbance outside the property boundary to remediate the 2002 landslide; however no refuse fill is ever placed outside the property boundary.

The project also features a Soil Management Plan that preserves adjacent canyons by stockpiling operational dirt on-site, as well as provisions through the EIR mitigation measures and biological permits to ensure that plant and animal habitat continue to be planned for and protected.

Landfill Operations and Proposed Project Phasing

Implementation of the proposed project will result in a landfill operation that is very similar to the existing landfill operation. The proposed expansion of the FRB Landfill would be implemented in phases and would not disturb all parts of the landfill property at once. Refuse disposal areas are lined as the horizontal expansion proceeds. Surface water drainage systems, landfill gas collection and control systems, and leachate and groundwater collection and recovery systems on the landfill property will be expanded, as necessary, to accommodate the proposed vertical and horizontal expansion of the FRB Landfill.

Upon landfill closure, the final cover system for the entire landfill site will be constructed in accordance with regulatory requirements and an approved Final Closure Plan. CEQA documentation for closure and post-closure maintenance will be developed at that time. A cover design to support a passive use regional park, which is currently the planned post-closure use, will be developed as part of the Final Closure Plan two years prior to closure.

Landfill Access

Traffic access to the FRB Landfill would remain unchanged under the proposed project. Access to the landfill is designated from the Santa Ana Freeway (Interstate 5, I-5) or San Diego Freeway (Interstate 405, I-405), via Sand Canyon Avenue, Portola Parkway, and Bee Canyon Access Road.

Other Project Features

The project may require that additional buildings and structures be constructed at the FRB Landfill. In addition, it will require relocation of existing entrance facilities, scales/scale house, landfill gas control facilities and other landfill support facilities during the later stages of project development. It is also anticipated that the implementation of the proposed project will require up to three pieces of additional heavy construction equipment and seven additional landfill employees.

The operating hours and schedule at the FRB Landfill may change in the future as a result of the proposed project. IWMD is considering changing the hours of operation at the landfill from 7:00 A.M. to 5:00 P.M. to 6:00 A.M. to 4:00 P.M. While the change is not currently proposed, it was evaluated as part of the project. In the event IWMD proposes this change in future operating hours, appropriate approvals will be pursued at that time. The site would continue operating six days a week, except for holidays (307 days a year).

Project Benefits

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 an annual average of 8,500 tpd and a daily limit of 11,500 tpd.

If the proposed project does not occur, FRB landfill will close in 2014. Exportation of Orange County waste would become necessary. 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. New long haul truck operations would probably cause additional traffic and air quality impacts. Rail or truck hauling could have additional impacts.

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. The need for disposal capacity will only continue to increase. 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.

Implementation of the proposed project would minimize adverse environmental impacts by fully utilizing an existing solid waste disposal facility that serves residents of central Orange County, thereby reducing the need for the development of new landfill facilities.

IV. CEQA COMPLIANCE

As required by CEQA, an Initial Study (IS) and Notice of Preparation (NOP) for the proposed project were prepared by the County of Orange. The IS indicated that the proposed project did have the potential for significant adverse impacts on the environment and that an EIR was required. The IS/NOP was released on July 21, 2005 for a 30-day public review period which concluded on August 19, 2005. The IS/NOP was distributed to the State Clearinghouse Office of Planning and Research, public agencies, interested parties, libraries and service providers. A total of thirteen (13) written responses were received on the IS/NOP. Public comments received during the 30-day comment period were incorporated in the Draft EIR.

A public scoping meeting was held on August 4, 2005 to solicit input for consideration in this EIR. A public notice was published in the Orange County Register on July 30, 2005 to inform the general public of the scoping meeting time and location. Seven people attended the meeting at the Lakeview Senior Center, located at 20 Lake Road, Irvine, CA. Following the presentation of the project by County staff, attendees expressed their interests about the elements and potential impacts of the proposed project.

On January 24, 2006, Draft EIR 604 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Landfill Implementation was circulated for a forty-five (45) day public review period to public agencies, interested parties, libraries and service providers by the IWMD. It identified three areas of environmental impact that are considered significant even after implementation of the recommended mitigation measures. The three areas are biological resources, aesthetics and air quality.

The biological resources impact results from the fact that there will be a short-term temporal loss of wetland habitat values and functions as the impact precedes the mitigation. The temporal loss of wetland habitat values and functions is considered to be a significant unavoidable adverse

impact. However, it is the intent of IWMD to mitigate for the lost functions and values of the wetland/riparian community, consistent with resource agency requirements, permit conditions, and meet the regulatory standards for the applicable state and/or federal regulatory programs.

The aesthetic analysis shows that the proposed landfill expansion would obstruct part of the Santiago Hills and Loma Ridge. Also, the views of Santiago Hills would change from undeveloped curvilinear ridgeline to that of a large, man-made form that contrasts with the adjacent rolling hills. Even with the implementation of mitigation measures identified in the DEIR, the proposed project would result in significant adverse impact related to aesthetics.

The unavoidable adverse impacts related to air quality are due to daily construction and operation emissions of the proposed project which exceeds SCAQMD's thresholds for NO_x (Nitrous Oxide), VOC (volatile organic compounds) and fugitive dust. The south coast air basin is a non-attainment basin and the thresholds are such that, even with he implementation of mitigation measures, that there will be a significant unavoidable adverse impact on regional air quality.

The above mentioned impacts are the only environmental parameters that cannot be mitigated to a level of less than significance.

The public review period for the DEIR ended on March 9, 2006. A total of eleven (11) written responses were received on the Draft EIR. Comments on the Draft EIR were received from the following:

- United States Fish and Wildlife Service/California Department of Fish and Game
- State of California Department of Transportation - District 12
- California Integrated Waste Management Board
- State of California Governor's Office of Planning and Research
- County of Orange Resources & Development Management Department
- City of Irvine
- South Coast Air Quality Management District
- County of Orange Health Care Agency
- North Irvine Villages Association
- Orange County Great Park
- Irvine Unified School District Construction and Facilities

Noteworthy comments on the Draft EIR 604 include the following:

Regulatory Comments

The most substantive comments from regulatory agencies came from the United States Fish and Wildlife Service (USFWS)/California Department of Fish and Game (CDFG), the South Coast Air Quality Management District (SCAQMD) and the County of Orange Health Care Agency.

Permits conditions, mitigation ratios and a finalized mitigation plan are all elements that will be addressed with USFWS/CDFG as IWMD works to secure the necessary biological permits following certification of EIR 604.

IWMD has prepared a Major Amendment to the Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) to address the project's impacts to the Reserve and targeted species. Any restoration plans developed to provide consistency with the NCCP/HCP Major Amendment or compliance with the State Fish and Game Code Section 1600, will be coordinated with the Resource Agencies as suggested. Mitigation Measures B-1, B-2, B-5, B-7, B-8 and B-11 all address coordination with the USFWS and the CDFG.

The comments from the SCAQMD focused on the air quality analysis which determined that the project would have unavoidable adverse impacts that cannot be mitigated to a level of less than significance related to fugitive dust, as well as NO_x and VOC emissions. The SCAQMD requested that the CO hotspots analysis be re-modeled to follow the Carbon Monoxide Protocol (CO Protocol). IWMD concurred and reran the CO hotspots analysis. The results are included in the Final EIR and indicated that no adverse CO impacts are expected from an increase in traffic in the vicinity of the FRB Landfill. Additionally, IWMD included a third mitigation measure (A-3) to help reduce NO_x and PM_{10} emissions. However, after mitigation, fugitive dust, as well as NO_x and VOC emissions will remain above the SCAQMD's daily construction and operation emission thresholds. Due to the significant adverse impact of air quality, it is included in the statement of overriding considerations.

City Comments

The City of Irvine submitted comments on the project. Although they acknowledge a need for the project, they raised interests and concerns about the project that went beyond the areas of unavoidable impact.

With regard to water quality, the City sought to clarify the requirements placed upon the landfill in terms of monitoring and environmental protection. IWMD continues to implement water quality protection measures for operations with on-site controls for storm water and sediment discharges downstream of the landfill. These water quality protection measures will ensure that residential communities in the City of Irvine are not impacted by storm water or sediment discharges from current and future landfill operations.

The City made comments with regards to the noise associated with the project. Their comments focused on whether the project looked at the worst case noise impact, whether it considered the "extension" of the noise impact, and the level of impact to the planned developments directly south of the project. Noise impacts were evaluated for worst case scenarios comparing impacts with and without the project. Except along Bee Canyon Road itself, there is no audible difference with or without the project. With regard to the areas south of the project, the actual sound from the on-site landfill operations is substantially attenuated by the distance to any sensitive off-site receptors.

Another concern raised by the City was the concept of mitigation required due to delayed availability of a park on the closed landfill. To date however, no specific acreage or uses (aside for passive use regional park) have been designated. Therefore, it is not known what amenities and activities might be provided at this park in the future and when the park will be implemented. The extension of the landfill operations from 2022 to 2053 would delay the

planned park use, however, because this park is not programmed and specific funding is not identified, this is not considered a significant adverse impact and no mitigation is necessary. No development approval or future growth has relied on the availability of this end use.

Regarding traffic, the City requested additional physical improvements be added to the two intersections cited in the mitigation measures in order to properly mitigate traffic impacts. They sought clarification of the traffic analysis methodology and encouraged the County to include fair share funding of reconstruction and maintenance of roadway facilities impacted by the project. Section 5.5 (Transportation and Circulation) of the DEIR adequately analyzes the worst case significant environmental impacts to transportation and circulation that would result from the long-term development and operation of the project, and provides mitigation measures that reduce these significant impacts to a less than significant level. No further mitigation is required. The City's interests will be further explored during discussions of a future agreement between the City and the County.

In the area of aesthetics, the City stated that the proposed project, as represented in the view simulations included in the DEIR, represent an unacceptable impact to the aesthetics of the City. The DEIR acknowledges that views of Loma Ridge will be partially blocked from some locations in existing and proposed residential neighborhoods and public areas in north Irvine that currently have views of this ridge. However, views of the ridge from most locations within existing neighborhoods and parks are currently blocked by existing residential buildings, and landscaping, including trees. These locations have no view of the ridgeline and will have no view of the proposed landfill expansion because of the intervening features. Locations in residential developments or parks at the edges closest to the landfill have the greatest likelihood of having current views of the ridge, but in most cases views from these locations are blocked by street trees and/or buildings in adjacent developments.

Visual simulations that show views across open areas planned for future development show a "worst case" of landfill blockage of Loma Ridge. Once these areas are developed; structures and landscaping will block most views of the ridge and landfill. This is the case for Visual Simulations 1B, 2B and 3B. Also, the worst-case condition at closure (in 2053) was assumed for the visual simulations which does not account for anticipated settlement of up to 50 feet (most of which will occur in the first five years after closure). The visual simulations provided in the DEIR do not capture the entire view that a person would see from the given location as the eye moves across the distant landscape. Therefore, a viewer at these locations would see a larger segment of the unobstructed ridge than is shown in the simulations due to the limitations of the photo width. More representative Figures R2-1 through R2-4 (Figures are attached following the last page of the responses to comments letter R2, as an information item) show panoramic views of Visual Simulations 2 and 3 taking into account landfill settlement and landscape blending with adjacent hillside landscape. Much more of Loma Ridge is visible in Figures R2-1 through R2-4 taking into account a more panoramic view and the effects of landfill settlement.

Figure R2-5 shows general areas in undeveloped Irvine that could potentially have existing views along Loma Ridge blocked by the proposed landfill expansion. Most of the affected areas are planned for future development. As shown on this figure, most areas closest to the landfill do not have views of the landfill because of intervening topography. More distant areas such as the location of Visual Simulation 4B in the DEIR have current views of the ridge that would not be blocked by the proposed landfill expansion.

That being said, the project still maintains a significant impact that cannot be mitigated to a level of less than significance and a statement of overriding considerations is required.

It is not feasible to reconfigure the landfill to provide a more natural-appearing profile. Such reconfiguration would result in a loss of landfill capacity that would conflict with the RELOOC Strategic Plan goal/objective to maximize capacity of the existing landfills, including the FRB Landfill.

The city noted the need for a re-negotiated Settlement Agreement to be adopted to address operation of the landfill and implementation of the project. IWMD plans to negotiate a mutually acceptable agreement with the City of Irvine that will guide the relationship between the City and the County. The existing Settlement Agreement was entered into by the City and the County to resolve former litigation, and it is not necessarily the appropriate legal mechanism to memorialize future terms and conditions. IWMD intends to work towards consensus on an agreement that will guide the relationship of the County and the City, and address the City's interests regarding the expansion of the FRB Landfill. While the mitigation measures set forth in the EIR fully address the project's identified impacts, the agreement has the ability to provide for additional responses to the City's concerns in a mutually acceptable manner.

Individual

Dave Melvold submitted a letter on behalf of the North Irvine Village Association highlighting their comments and interests in the project. Many of Mr. Melvold's comments were similar to those expressed by the City (i.e. aesthetics, traffic, delay of park future agreement). Some comments more specific to Mr. Melvold included the issue of extension vs. expansion, and enforcement of the existing Settlement Agreement. Mr. Melvold raised the issue of the project being more than an expansion but also an extension of the landfill life. He stated that the analyses should be performed comparing the impacts with and without the project. CEQA requires the comparison to be based on an existing condition scenario. Where the analysis projected impacts, the project did assume a comparison of with and without the project.

With regard to the enforcement of the existing Settlement Agreement, Mr. Melvold raised the issue of the designated access route. The 1984 Settlement Agreement provides that there is one designated access route for trucks to reach the FRB Landfill: from I-5 or I-405 along Sand Canyon Avenue, Portola Parkway and Bee Canyon Access Road. IWMD proactively identifies and promotes this route as a condition of use of the landfill through posted signs and periodic distribution of flyers to all customers. IWMD, however, does not have the legal ability to enforce this and cannot ticket or fine trucks using alternate routes. EIR 604 is based on current conditions which demonstrate that 50 percent of truck traffic is using the designated route from the Interstate highways. The majority of the remaining 50 percent are accessing the landfill via Sand Canyon Avenue or Portola Parkway from points east of the Interstates. However, 15 percent of the truck traffic is traveling from I-5 on Jeffrey Road to the landfill. IWMD will continue its proactive practice of identifying and promoting the designated access route.

This summary is provided for briefing purposes but is not meant to interpret or otherwise represent the interests of the commenting parties. Complete records of the comments and the responses to comments are found as part of the Proposed Final EIR, provided as an attachment to this report.

V. PUBLIC HEARING NOTICE

In the week of May 22, 2006, a Notice of Public Hearing for the Planning Commission scheduled for June 7, 2006 was mailed to public agencies, interested parties, libraries and service providers by IWMD (same list used for the Draft EIR distribution).

V. RECOMMENDATIONS

1. Receive IWMD staff report and staff presentation;

2. Conduct Public Hearing;

3. Recommend that the Board of Supervisors find Proposed Final Environmental Impact Report 604 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Landfill Implementation adequate.

Respectfully submitted,

Janice V. Goss

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Attachments:

1. Resolution recommending certification of adequacy of EIR 604

2. Statement of Findings and Facts in Support of the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR (Draft)

3. Mitigation Monitoring and Reporting Program for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR (Draft)

4. Statement of Overriding Considerations for the RELOOC Strategic Plan – Frank R Bowerman Landfill Implementation EIR (Draft)

5. Proposed Final EIR 604, which is in two three ring binders with the following documents:

   Volume I
   - Draft EIR
   - Clarifications and Revisions
   - Comments on the Draft EIR and County Responses

   Volume II
   - Appendices