Agenda Item

AGENDA STAFF REPORT

ASR Control 06-001326

MEETING DATE:	08/15/06
LEGAL ENTITY TAKING ACTION:	Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S):	All Districts
SUBMITTING AGENCY/DEPARTMENT:	Integrated Waste Management (Approved)
DEPARTMENT CONTACT PERSON(S):	Janice V. Goss (714) 834-4122 Gary Brown (949) 551-7102

SUBJECT: FRB Landfill EIR 604 and Cooperative Agreement

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Pending Review	Approved Agreement to Form	Public Hearing 3 Votes Board Majority

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A
Current Fiscal Year Revenue: N/A
Funding Source: IWMD Enterprise Fund

Prior Board Action: N/A

RECOMMENDED ACTION(S)

1. Hold Public Hearing.

2. Receive IWMD staff report.

3. Receive Planning Commission resolution recommending certification of adequacy of Environmental Impact Report (EIR) 604.

4. Adopt Board of Supervisors Resolution in Support of the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Landfill Implementation EIR.

5. Adopt Statement of Findings and Facts in Support of the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR.

6. Adopt Mitigation Monitoring and Reporting Program for the RELOOC Strategic Plan – Frank R. Bowerman Landfill Implementation EIR.

7. Issue a Statement of Overriding Considerations for the RELOOC Strategic Plan – Frank R Bowerman Landfill Implementation EIR.

8. Certify Proposed Final Environmental Impact Report 604 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Frank R. Bowerman Landfill Implementation as adequate under the California Environmental Quality Act (CEQA).

9. Approve execution of a Cooperative Agreement with the City of Irvine regarding the Frank R. Bowerman Landfill.

SUMMARY:

Environmental Impact Report (EIR 604) analyzes the potential environmental impacts associated with the continued operation of the Frank R. Bowerman (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. The Cooperative Agreement proposed between the County of Orange and the City of Irvine presents the terms and conditions that will guide the relationship of the County and the City through the closure of the landfill.

BACKGROUND INFORMATION:

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 & FRB landfills.

The FRB Landfill opened in 1990 and its currently permitted closure date is 2022. However, in 2002 a major landslide occurred which resulted in limiting available capacity at FRB to 2014 unless the proposed project is implemented. By remediating the effects of the landslide, and increasing the vertical and horizontal landfill capacity included in the project, the project would extend the life of the FRB landfill from 2014 to 2053.

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.

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.

EIR 604 analyzed the proposed project and four alternatives:

- Alternative 1 - No project
- Alternative 2 – FRB Landfill expansion with no daily tonnage increase
- Alternative 3 – FRB Landfill expansion with daily tonnage increase to 11,500 tpd
- Alternative 4 – FRB Landfill expansion with no FRB Landfill daily tonnage increase but instead a daily tonnage increase at the Prima Deshecha Landfill

The EIR analyzed the required environmental parameters including: land use and planning, geology and soils, hydrogeology and water quality, surface water hydrology transportation and circulation, air quality, noise, biological resources, aesthetics, cultural and scientific resources, and hazards/risks of upset. The project was evaluated to determine if the project's incremental effect was cumulatively considerable. The mitigation measures determined to be necessary by the EIR are summarized in the Mitigation Monitoring and Reporting Program and is included as an attachment to this agenda item.

On January 24, 2006, Draft EIR (DEIR) 604 for the 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 environmental topics that are considered significant even after implementation of the mitigation measures included in the DEIR. 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 (i.e. temporary) loss of wetland habitat values and functions since project impacts will occur before the implementation of mitigation measures included in the DEIR. 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 the South Coast Air Quality Management District's (SCAQMD) 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 the implementation of mitigation measures, there will be a significant unavoidable adverse impact on regional air quality.

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

The mitigation measures set forth in the EIR fully address the project's identified impacts. The City of Irvine, however, raised additional interests and concerns regarding the project. As a result, IWMD has negotiated a Cooperative Agreement with the City that responds to the city's interests in a mutually acceptable manner, and that will guide the relationship between the City and the County.

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. As waste hauling vehicles are forced to travel greater distances for waste disposal, impacts to air quality and transportation/circulation would also increase. In addition, increased distances for waste disposal and higher out-of-County landfill tipping fees would result in higher waste disposal costs for Orange County residents.

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 consistent and reliable disposal rates and fees that Orange County cities and citizens pay. This is important because Orange County residents generate about 4 million tons of waste every year. The need for disposal capacity will continue to increase, and implementation of the FRB project will work to address this need.

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.

CEQA COMPLIANCE:

EIR 604 satisfies the requirements of CEQA and is adopted for the proposed project based upon the following additional findings pursuant to Section 21080(d) of the Public Resources Code and CEQA Guidelines Section 15080:

- EIR 604 reflects the independent judgment of the County of Orange;
- The EIR and comments on the EIR during the public review process were considered and the EIR was found adequate in addressing the impacts related to the project;
- Findings have been prepared in compliance with Section 21081 of the Public Resources Code and CEQA Guidelines Section 15091, and are found adequate, in addressing the significant impacts identified in EIR 604;
- A Statement of Overriding Considerations has been prepared in compliance with CEQA Guidelines Section 15093, and is found adequate, in addressing the significant impacts identified in EIR 604, that will remain significant after the implementation of mitigation measures.
- Mitigation Monitoring and Reporting Program No. 604, prepared in compliance with Section 21081.6(a) of the Public Resources Code and CEQA Guidelines Section 15097, is found adequate and is adopted by the County of Orange;
- All mitigation measures are found to be fully enforceable pursuant to Section 21081.6(b) of the Public Resources Code and CEQA Guidelines Section 15097, and have either been adopted as conditions, incorporated as part of project design, or included in the procedures of project implementation;

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Planning Commission Resolution No. 06-04
Board of Supervisors Resolution in support of EIR 604 (Draft)
Statement of Findings and Facts (Board Resolution Exhibit A)
Mitigation Monitoring and Reporting Program (Board Resolution Exhibit B)
Statement of Overriding Considerations (Board Resolution Exhibit C)
Proposed Final EIR 604 (Available for review at Clerk of the Board)
Cooperative Agreement between County of Orange and City of Irvine