

**Final
Supplemental Environmental Impact Report No. 597
SCH No. 1999041035**

**Statement of Findings and Facts
Second Amendment to the 2001 Prima Deshecha
General Development Plan**

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**STATEMENT OF FINDINGS AND FACTS IN SUPPORT OF
THE SECOND AMENDMENT TO THE 2001 PRIMA DESHECHA
GENERAL DEVELOPMENT PLAN**

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(b) 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.

The 2001 Prima Deshecha General Development Plan (GDP) and its first amendment were supported by Environmental Impact Report (EIR) 575 for which a Notice of Determination was issued on November 6, 2001. A Supplemental Environmental Impact Report (SEIR) for the Second Amendment to the 2001 Prima Deshecha General Development Plan (GDP) (Proposed Project) was subsequently prepared and certified as complete by the Orange County Board of Supervisors (BOS) on _____. The SEIR identifies certain significant adverse impacts

which may occur as a result of implementation of the Proposed Project. This Statement of Findings and Facts in Support of the Second Amendment to the 2001 General Development Plan (Statement of Findings) summarizes the findings and facts presented within SEIR 597, which addresses only those specific issues related to the Proposed Project in the Second Amendment to the 2001 Prima Deshecha General Development Plan (GDP). The findings and conclusions contained within EIR 575 are incorporated by reference into SEIR 597. The environmental review process for the Proposed Project as analyzed in SEIR 597 is summarized below.

1. In accordance with the requirements of CEQA, a Notice of Preparation (NOP) of a draft SEIR was filed with the State Clearinghouse (SCH) Office of Planning and Research on February 9, 2004. The SCH Office of Planning and Research assigned SCH Number 1999041035 to the Proposed Project.
2. The NOP/Initial Study was distributed to public agencies, interested parties, libraries, and service providers. The 30-day public review period for the NOP/IS started on February 9, 2004, and concluded on March 3, 2004. A total of eight (8) written responses were received on the NOP/IS.
3. In accordance with CEQA requirements, a Notice of Completion (NOC) of the draft SEIR was filed with the SCH Office of Planning and Research on September 8, 2006.
4. The draft SEIR 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 draft SEIR was established pursuant to CEQA, which commenced on September 11, 2006, and ended on October 26, 2006.
6. Comments received during the public review period for the draft SEIR were responded to in the Responses to Comments Report dated April 2007.
7. A Final SEIR was prepared for the Second Amendment to the 2001 Prima Deshecha GDP. The following components comprise the Final SEIR:
 - a. Draft SEIR and Appendices, dated September 11, 2006;
 - b. Comments received on the draft SEIR and responses to those comments, (Responses to Comments Report, dated April 2007);
 - c. Mitigation Monitoring and Reporting Program (MMRP);
 - d. All attachments, incorporations and references to the documents delineated in items a and b above; and
 - e. Text changes to the draft SEIR representing clarifications and revisions as needed.
 - f. The Board of Supervisors certified SEIR 597 on _____, 2007.

The County of Orange is the Lead Agency with respect to the Second Amendment to the 2001 Prima Deshecha GDP 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 has reviewed the Final SEIR. The following sections make detailed findings with respect to the potential effects of the Second Amendment to the 2001 Prima Deshecha GDP and refer, where appropriate, to the mitigation measures set forth in the Final SEIR. The Board of Supervisors hereby determines that the Final SEIR for the Proposed Project, comprised of the draft SEIR, a list of persons, organizations, and public agencies commenting on the draft SEIR, comments received from the public and interested agencies, the Responses to Comments Report prepared by the County, clarifications and revisions to the text of the draft SEIR reflecting changes made in response to comments and other information, other minor changes to the text of the Draft SEIR, Statement of Findings and Facts in Support of the Second Amendment to the 2001 General Development Plan, the Mitigation and Monitoring Reporting Plan, 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 Final SEIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues. The Final SEIR is hereby incorporated in this document by reference.

The Final SEIR and the administrative record concerning the Second Amendment to the 2001 Prima Deshecha GDP including the staff reports presented to the Board of Supervisors and Planning Commission provide additional facts in support of the findings herein. The Final SEIR is hereby incorporated into these Findings in its entirety. Furthermore, the mitigation measures set forth in the Final SEIR and the MMRP are incorporated by reference in these Findings.

The Final SEIR 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 Final SEIR 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 a project. Where the decision of the public agency allows the occurrence of significant effects, which are identified in the Final SEIR but are not avoided or substantially lessened, the agency shall state, in writing, the specific reasons to support its action based on the Final SEIR 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 (SOC).

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

1.1 THE SECOND AMENDMENT TO THE 2001 PRIMA DESHECHA GENERAL DEVELOPMENT PLAN

The 2001 Prima Deshecha GDP serves as the planning guide for the Prima Deshecha Landfill (PDL) site and provides for the effective management of multiple uses on the site including solid waste disposal; various regional park and recreational uses included in the Orange County Master Plan of Regional Recreational Facilities; and implementation of a key arterial highway and road extension included in the Master Plan of Arterial Highways (MPAH), Orange County Circulation Plan (OCCP), and Circulation Elements of the Cities of San Juan Capistrano and San Clemente. In order to provide for seamless continuation of landfill operations at the PDL through currently projected landfill buildout in 2067, the Second Amendment to the 2001 Prima Deshecha GDP incorporates project elements that reduce impacts to biological resources associated with landfill construction and operation, and a pre-mitigation program that proactively

addresses project impacts over the life of the landfill. Proposed Project elements are features for which more detailed design information are available; features that provide for landslide stabilization at the site; and/or features required for maintenance of environmental mitigation and restoration areas. SEIR 597, which is largely a programmatic document, also provides an analysis of project elements that may require State and Federal agency permits.

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

1. The Final SEIR (as defined above) has been completed in compliance with CEQA.
2. The Final SEIR was presented to the Board of Supervisors and said Board reviewed and considered the information contained in the Final SEIR prior to making the following certifications, findings, and approving the Proposed Project.
3. The Final SEIR 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 draft SEIR, the evidence and analysis presented in the comments on the draft SEIR, the evidence and analysis presented in the Final SEIR, the information submitted on the Final SEIR, and the reports prepared by the experts who prepared the SEIR, 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 Final SEIR, as well as the evidence and other information in the record addressing the Final SEIR. The Board of Supervisors hereby certifies the Final SEIR for the actions described in these findings in the Final SEIR.

2.0 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

The 2001 Prima Deshecha GDP incorporated three primary elements including a Landfill Plan, a Circulation Plan, and a Recreation Plan, and updated future project implementation plans with modifications to five planning zones. These modifications consisted of zone boundary adjustments, landfill grading, and height limits that were developed through discussions with regional partners based on updated design information.

Accordingly, the 2001 Prima Deshecha GDP, as currently amended, represents the latest planning document that guides actions and activities for the PDL and does so through the landfill's projected closure in 2067. EIR 575 contains a detailed environmental analysis of the 2001 Prima Deshecha GDP project features. The conclusions and commitments contained within EIR 575 remain applicable to the project as proposed within the Second Amendment and analyzed within SEIR 597.

The Proposed Project for the Second Amendment to the 2001 Prima Deshecha GDP addresses updates to the Landfill and Recreation elements of the GDP and consists of the following changes and/or additions to the approved project:

- An increase in the temporary limits of disturbance around the perimeter of the two landfill zones by approximately 278 acres to accommodate features for site-stabilization purposes and landfill-support activities (Zones 1 and 4)

- Re-design of the de-silting system proposed for Zone 4
- Implementation of features to supplement water supply in Prima Deshecha Cañada stream channel
- Presentation of potential excavation phasing limits for Zone 4 and an update of Zone 1 fill and excavation phasing limits
- Development of a Pre-mitigation Program to offset project-related biological impacts
- Development of a Regional Environmental Enhancement Program that identifies environmental enhancement opportunities on site

Accordingly, SEIR 597 analyzes the incremental effects of the Proposed Project that are contained within the Second Amendment to the 2001 GDP and incorporates EIR 575 by reference.

3.0 FINDINGS CONCERNING IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

In evaluating the potential environmental impacts associated with the Proposed Project, the Final SEIR 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 less-than-significance for various potential impacts, as presented in the draft SEIR.

In some cases, due to their nature, the impacts are found not to be significant as a matter of course. In other cases, the determinations take into account the design of the Proposed Project, including those measures identified as Project Design Features (PDFs) which have been incorporated into the Proposed Project and which will be implemented pursuant to the MMRP, as well as the application of adopted mitigation measures (MMs) developed within EIR 575.

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 Final SEIR are supported by substantial evidence in the record, including the expert opinion of the Final SEIR preparers and County staff; and the significance thresholds used in the Final SEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Proposed Project.

In addition, some impacts were identified in the Final SEIR as being potentially significant, but reduced to a level considered less than significant with the implementation of PDFs, Standard Conditions (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 Final SEIR 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 Final SEIR.

These Findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Final SEIR and adopted by the Board of Supervisors, and state the Board of Supervisors' 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 Final SEIR and these Findings hereby incorporate by reference the discussion and analysis in the Final SEIR supporting the Final SEIR'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 Final SEIR in these Findings. It also ratifies, adopts, and incorporates in these Findings the determinations and conclusions of the Final SEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

3.1 LAND USE AND PLANNING

The Proposed Project does not involve any changes to the existing land uses that are outlined in the 2001 Prima Deshecha GDP. The PDL will maintain its current primary land use as a landfill and the Second Amendment to the 2001 Prima Deshecha GDP does not change the daily maximum refuse being accepted or permitted at the site. The only element with a minor potential effect on land use is associated with the Pre-mitigation and Regional Environmental Enhancement plans, which could potentially encourage a more passive recreational use of Zone 4 in the post-closure period. Accordingly, the Proposed Project does not result in substantial change from the previous analyses contained within EIR 575 and the analyses and mitigation measures outlined in EIR 575 are adequate to support the Proposed Project.

3.2 AGRICULTURE

Subsequent to certification of EIR 575, the project site has not been subject to a new agricultural use (other than grazing) and the state Important Farmland designations have not changed. The Proposed Project elements will have no effect on agricultural uses other than potentially removing the possibility of grazing as an acceptable land use in Zone 4 over the post-closure time period once the Pre-mitigation and Regional Environmental Enhancement plans are approved. Implementation of the Proposed Project results in no substantial change in effect over that identified in the 2001 Prima Deshecha GDP.

3.3 NOISE

The Proposed Project will be implemented between the hours of 7 am to 6 pm Monday through Friday, and 8:30 am to 4:30 pm Saturdays/holidays. Accordingly, as Section 9-3.531 of the City of San Juan Capistrano Municipal Code specifically exempts noise sources associated with construction, repairs, remodeling, or grading of any real property from adherence to the noise standards if construction activities are conducted within these time periods, Proposed Project construction is in compliance with the Municipal Code and noise impacts are less than significant. Noise generated from Proposed Project construction is expected to be short-term in duration and is not expected to significantly increase noise levels associated with ongoing disposal operations at the landfill.

3.4 AESTHETICS

Although there will be an incremental change to the landscape as a result of proposed landslide stabilization measures, it will not significantly change final surface grading or fill slopes and is not expected to materially alter the aesthetic impacts that were analyzed in EIR 575. It is anticipated that aesthetic impacts from grading and cut slopes associated with landslide remediation within the revised limits of disturbance will be temporary in nature and less than significant. Construction of the revised desilting system is proposed to occur below ridgelines and will not pose a significant aesthetic impact. Although not required to reduce impacts to a level less than significant, mitigation measures developed within EIR 575 to offset aesthetic

impacts to sensitive viewsheds from project operations defined in the 2001 Prima Deshecha GDP will be applied as appropriate for sensitive viewsheds to the north for the Proposed Project.

3.5 RECREATION

As the Proposed Project does not contain any elements that would be considered growth-inducing, no impact would be expected to local or regional recreational resources. Future routing modifications of on-site trails within Zones 3 and 4 may be required by the specific functional requirements of the newly restored habitat areas designated by the Pre-mitigation and Regional Environmental Enhancement Opportunity plans; however, it is anticipated that the site will still be able to accommodate on-site trails in aggregate. Identification of the pre-mitigation plan and enhancement opportunities may affect the desired mix of recreational uses for Zone 4 in the post-closure period; however, as the implementation of environmental enhancement opportunities is discretionary and can be flexible in execution, it is anticipated that these mixed uses can be blended over time in a manner that minimizes potential impacts.

3.6 GEOPHYSICAL RESOURCES

Proposed Project impacts from seismic activity are expected to be less than significant as the engineering design of new project features will take seismic design standards into account, resulting in remediation measures that provide stability under design earthquake loads as required by the appropriate regulatory agencies. Secondary seismic impacts could include differential settlement, which will also be appropriately factored in to project design. Landfill grading and cut-and-fill slopes remain generally the same as that analyzed within the 2001 Prima Deshecha GDP, and do not change with the Proposed Project. The Proposed Project does not result in substantial soil erosion or the loss of topsoil in significant amounts over that identified within the 2001 Prima Deshecha GDP. There is no additional material that is proposed for off-site handling or disposal due to the Proposed Project. All excavated material generated from the construction of buttress fills may be temporarily stockpiled on site and then used as backfill.

Geology, geologic structure, jointing and fracture planes, soil characteristics, and old landslide complexes and deposits all interact to create a significant risk of slope movement on site. As indicated above, although this information was known and incorporated into the project design for the 2001 Prima Deshecha GDP, the geographic area needed to accommodate these future landslide remediation activities was not fully identified within EIR 575. The potential effects of slope instability are planned to be remediated through implementation of features within the Proposed Project footprint. As these remediation features will be located largely outside the refuse footprint, there will be no impacts upon landfill subsidence.

All mitigation measures and best management practices (BMPs) defined within the 2001 Prima Deshecha GDP will be applied to the Proposed Project and will result in no substantial change from previous analyses. Accordingly, as none of the elements of the Proposed Project will incrementally expose people or structures to major geologic hazards over those identified within EIR 575, and all elements will be designed to existing regulatory seismic standards, there is no substantial change upon geophysical resources within the project site due to the Proposed Project.

3.7 HYDROLOGY AND WATER QUALITY

The Proposed Project will not create either runoff or water discharge that will exceed water quality standards, violate existing waste discharge requirements, or induce flooding either

on site or off site. The Proposed Project is intended to reduce impacts associated with the 2001 Prima Deshecha GDP by providing features that mimic natural hydrologic conditions at the site, thereby providing a hydrologic benefit. In addition to ongoing compliance with National Pollutant Discharge Elimination System (NPDES) requirements for industrial discharges, the Proposed Project will comply with Section 7 of Orange County's Drainage Area Management Plan (DAMP), which requires a Water Quality Management Plan. Although not needed to reduce impacts to a less than significant level, compliance with the DAMP is a project mitigation requirement, and the IWMD will coordinate compliance with the County of Orange Watershed Coastal Resources Division accordingly. Consequently, the following mitigation measure has been incorporated into project requirements:

MM 5.3-1: The Proposed Project will comply with Section 7 of the Drainage Area Management Plan (DAMP) for Orange County through the development of a Water Quality Management Plan.

3.8 PUBLIC UTILITIES AND SERVICE SYSTEMS

With the incorporation of a relevant PDF, implementation of the Proposed Project will not affect public utilities and service systems including water, sanitation, natural gas, schools, or telephone service. Off-site flows will utilize existing storm drains, without effect over existing conditions. Landslide stabilization measures in the vicinity of Zones 1, 4, and 5 will likely impact the Southern California Electric (SCE) and San Diego Gas and Electric (SDG&E) easements traversing the center of the PDL property. Existing transmission lines may have to be temporarily relocated or re-routed in order to avoid service disruption during construction. A project design feature has been incorporated into the Proposed Project approach which would provide for the replacement of relocated transmission lines once construction is complete. The IWMD will coordinate closely with SCE and SDG&E in the development of a plan to provide for uninterrupted electrical transmission during construction. Accordingly, the Proposed Project will have no significant adverse impact to electrical service systems.

PDF 5.6-1: SCE and SDG&E electrical transmission facilities will be relocated or re-routed, if necessary, in order to avoid service interruptions during construction of landslide remediation measures through the center of the site. IWMD will coordinate closely with SCE and SDG&E in the development of a plan to ensure cost-effective and efficient temporary facility relocation and post-construction re-establishment of transmission lines through the site.

4.0 FINDINGS ON SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT

SEIR 597 concludes that air quality impacts associated with the 2001 GDP are the only impacts remaining at a level of significance after implementation of mitigation measures.

4.1 IMPACTS RELATED TO AIR QUALITY

4.1.1 Potentially Significant Adverse Impacts Related to Air Quality

The Proposed Project for the Second Amendment to the 2001 GDP does not alter project emissions as covered by EIR 575. Notwithstanding the fact that the Proposed Project does not change maximum daily or total annual project emissions over those covered by EIR 575, a change in the CEQA Guidelines subsequent to certification of EIR 575 has resulted in an updated impact conclusion of "significant after mitigation" for air quality impacts associated with the original 2001 Prima Deshecha GDP.

4.1.2 Findings Related to Air Quality

EIR 575 did conclude that project air emissions generated by the landfill component of the 2001 Prima Deshecha GDP exceeded South Coast Air Quality Management District (SCAQMD) thresholds of significance, and the Prima Deshecha Landfill is currently implementing several mitigation measures to reduce potential air quality impacts. The air quality impact conclusion of 'less than significant' in EIR 575 was based upon the provisions contained within Section 15064(h) of the CEQA Guidelines, which provided that an environmental impact is not significant if it complies with a standard adopted by a public agency for the purpose of environmental protection. The 'standard' cited in EIR 575 to support the conclusion of less than significant impact is conformity with landfill-specific SCAQMD air quality standards, which the PDL must meet through permit acquisition in order to continue operation. However, on October 28, 2002 (after finalization of EIR 575) the California Court of Appeal invalidated this provision in Section 15064(h) in its decision in the case of *Citizens for a Better Environment et. al. vs. the California Resources Agency*; accordingly although proposed project emissions are not different than those generated by the 2001 Prima Deshecha GDP, SEIR 597 has updated the impact conclusion for air quality effects associated with the original 2001 Prima Deshecha GDP to reflect a conclusion of 'significant after mitigation' based upon this change to the CEQA Guidelines.

Implementation of the updated mitigation measures described in Section 5.4.4 of SEIR 597 would help to further reduce air quality impacts that result from operations at the Prima Deshecha Landfill; however, even with implementation of all existing and recommended mitigation measures, operations at the Prima Deshecha Landfill would result in significant and unavoidable air quality impacts.

The Proposed Project does not result in additional impact to surrounding communities from project-related odor considerations. However, in response to comments received during public review of Draft SEIR 597, IWMD has agreed to use the Whispering Hills development as a periodic odor survey point when fulfilling its established commitment under Mitigation Measure 4.9-5, contained within FEIR 575.

4.1.3 Facts in Support of the Findings Related to Air Quality

Implementation of the following mitigation measure updates will reduce potential long-term impacts from landfill operations to air quality; however, it is not possible to reduce the impact to a less than significant level.

MM 5.4-1: IWMD and its contractors shall be required to comply with regional rules to reduce air pollutant emissions. SCAQMD Rule 401 sets limits on the opacity of visible plumes of dust resulting from activities at the landfill. SCAQMD Rule 402 requires that air pollutant emissions generated at the landfill not be a nuisance off site. SCAQMD Rule 403 requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Two options are presented in Rule 403: monitoring of particulate concentrations, or active control. Monitoring involves a sampling network around the project with no additional control measures unless specified concentrations are exceeded. The active control option does not require any monitoring, but requires that a list of measures be implemented on a daily basis.

South Coast Air Quality Management District (SCAQMD) Rule 403 requires that "best available control measures" be utilized whenever a dust-generating activity

occurs in the Air Basin. These measures are listed in Table 1 of Rule 403 and called out in Table 4-1 below. It is important to note that all applicable measures from Table 4-1 should be implemented to achieve the required PM10 emissions reductions.

Rule 403 requires that “Large Projects” implement additional measures. A Large Project is defined as “any active operations on property which contains 50 or more acres of disturbed surface area; or any earth-moving operation with a daily earth-moving or throughput volume of 3,850 cubic meters (5,000 cubic yards) or more than three times during the most recent 365-day period. The Prima Deshecha Landfill would be considered a Large Project under Rule 403. Therefore, the landfill is required to implement the applicable actions specified in Table 2 of the Rule. Table 2 from Rule 403 is presented below as Table 4-2.

**TABLE 4-1
REQUIRED BEST AVAILABLE CONTROL MEASURES
(SCAQMD RULE 403, TABLE 1)**

Control Measure		Guidance
Backfilling		
01-1 Stabilize backfill material when not actively handling; and 01-2 Stabilize backfill material during handling; and 01-3 Stabilize soil at completion of activity.		<ul style="list-style-type: none"> • Mix backfill soil with water prior to moving • Dedicate water truck or high capacity hose to backfilling equipment • Empty loader bucket slowly so that no dust plumes are generated • Minimize drop height from loader bucket
Clearing and Grubbing		
02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and 02-2 Stabilize soil during clearing and grubbing activities; and 02-3 Stabilize soil immediately after clearing and grubbing activities.		<ul style="list-style-type: none"> • Maintain live perennial vegetation where possible • Apply water in sufficient quantity to prevent generation of dust plumes
Clearing Forms		
03-1 Use water spray to clear forms; or 03-2 Use sweeping and water spray to clear forms; or 03-3 Use vacuum system to clear forms.		<ul style="list-style-type: none"> • Use of high pressure air to clear forms may cause exceedance of Rule requirements
Crushing		
04-1 Stabilize surface soils prior to operation of support equipment; and 04-2 Stabilize material after crushing.		<ul style="list-style-type: none"> • Follow permit conditions for crushing equipment • Pre-water material prior to loading into crusher • Monitor crusher emissions opacity • Apply water to crushed material to prevent dust plumes
Cut and Fill		
05-1 Pre-water soils prior to cut and fill activities; and 05-2 Stabilize soil during and after cut and fill activities.		<ul style="list-style-type: none"> • For large sites, pre-water with sprinklers or water trucks and allow time for penetration • Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts
Demolition – Mechanical/Manual		
06-1 Stabilize wind erodible surfaces to reduce dust; and 06-2 Stabilize surface soil where support equipment and vehicles will operate; and 06-3 Stabilize loose soil and demolition debris; and 06-4 Comply with AQMD Rule 1403.		<ul style="list-style-type: none"> • Apply water in sufficient quantities to prevent the generation of visible dust plumes

**TABLE 4-1 (Continued)
REQUIRED BEST AVAILABLE CONTROL MEASURES
(SCAQMD RULE 403, TABLE 1)**

Control Measure	Guidance
Disturbed Soil	
07-1 Stabilize disturbed soil throughout the construction site; and 07-02 Stabilize disturbed soil between structures	<ul style="list-style-type: none"> • Limit vehicular traffic and disturbances on soils where possible • If interior block walls are planned, install as early as possible • Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes
Earth-Moving Activities	
08-1 Pre-apply water to depth of proposed cuts; and 08-2 Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction; and 08-3 Stabilize soils once earth-moving activities are complete.	<ul style="list-style-type: none"> • Grade each project phase separately, timed to coincide with construction phase • Upwind fencing can prevent material movement on site • Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes
Importing/Exporting of Bulk Materials	
09-1 Stabilize material while loading to reduce fugitive dust emissions; and 09-2 Maintain at least six inches of freeboard on haul vehicles; and 09-3 Stabilize material while transporting to reduce fugitive dust emissions; and 09-4 Stabilize material while unloading to reduce fugitive dust emissions; and 09-5 Comply with Vehicle Code Section 23114.	<ul style="list-style-type: none"> • Use tarps or other suitable enclosures on haul trucks • Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage • Comply with track-out prevention/mitigation requirements • Provide water while loading and unloading to reduce visible dust plumes
Landscaping	
10-1 Stabilize soils, materials, slopes	<ul style="list-style-type: none"> • Apply water to materials to stabilize Maintain materials in a crusted condition • Maintain effective cover over materials • Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes • Hydroseed prior to rain season
Road Shoulder Maintenance	
11-1 Apply water to unpaved shoulders prior to clearing; and 11-2 Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.	<ul style="list-style-type: none"> • Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs • Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs
Screening	
12-1 Pre-water material prior to screening; and 12-2 Limit fugitive dust emissions to opacity and plume length standards; and 12-3 Stabilize material immediately after screening.	<ul style="list-style-type: none"> • Dedicate water truck or high capacity hose to screening operation • Drop material through the screen slowly and minimize drop height • Install wind barrier with a porosity of no more than 50% upwind of screen to the height of the drop point
Staging Areas	
13-1 Stabilize staging areas during use; and 13-2 Stabilize staging area soils at project completion.	<ul style="list-style-type: none"> • Limit size of staging area • Limit vehicle speeds to 15 miles per hour • Limit number and size of staging area entrances/exists

**TABLE 4-1 (Continued)
REQUIRED BEST AVAILABLE CONTROL MEASURES
(SCAQMD RULE 403, TABLE 1)**

Control Measure	Guidance
Stockpiles/Bulk Material Handling	
14-1 Stabilize stockpiled materials. 14-2 Stockpiles within 100 yards of off-site occupied buildings must not be greater than eight feet in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.	<ul style="list-style-type: none"> • Add or remove material from the downwind portion of the storage pile • Maintain storage piles to avoid steep sides or faces
Traffic Areas for Construction Activities	
15-1 Stabilize all off-road traffic and parking areas; and 15-2 Stabilize all haul routes; and 15-3 Direct construction traffic over established haul routes.	<ul style="list-style-type: none"> • Apply gravel/paving to all haul routes as soon as possible to all future roadway areas • Barriers can be used to ensure vehicles are only used on established parking areas/haul routes
Trenching	
16-1 Stabilize surface soils where trencher or excavator and support equipment will operate; and 16.2 Stabilize soils at the completion of trenching activities.	<ul style="list-style-type: none"> • Pre-watering of soils prior to trenching is an effective preventive measure. • For deep trenching activities, pre-trench to 18 inches soak soils via the pre-trench and resuming trenching • Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment
Truck Loading	
17-1 Pre-water material prior to loading; and 17.2 Ensure that freeboard exceeds six inches (CVC 23114)	<ul style="list-style-type: none"> • Empty loader bucket such that no visible dust plumes are created • Ensure that the loader bucket is close to the truck to minimize drop height while loading
Turf Overseeding	
18-1 Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and 18-2 Cover haul vehicles prior to exiting the site.	<ul style="list-style-type: none"> • Haul waste material immediately off site
Unpaved Roads/Parking Lots	
19-1 Stabilize soils to meet the applicable performance standards; and 19-2 Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.	<ul style="list-style-type: none"> • Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements
Vacant Land	
20-1 In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 square feet or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees or other effective control measures.	

As a Large Operation, the landfill will also be required to:

- Submit a fully executed Large Operation Notification (SCAQMD Form 403N) to the SCAQMD Executive Officer within 7 days of qualifying as a large operation;

- Include, as part of the notification, the name(s), address(es), and phone number(s) of the person(s) responsible for the submittal, and a description of the operation(s), including a map depicting the location of the site;
- Maintain daily records to document the specific dust-control actions taken, maintain such records for a period of not less than three years; and make such records available to the Executive Officer upon request;
- Install and maintain project signage with project contact signage that meets the minimum standards of the *Rule 403 Implementation Handbook*, prior to initiating any earthmoving activities;
- Identify a dust control supervisor that is employed by or contracted with the property owner or developer, is on the site or available on-site within 30 minutes during working hours, has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule requirements, and has completed the AQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class; and
- Notify the SCAQMD Executive Officer in writing within 30 days after the site no longer qualifies as a large operation.

**TABLE 4-2
FUGITIVE DUST CONTROL ACTIONS
(SCAQMD RULE 403, TABLE 1)**

Fugitive Dust Source Category Control Actions	
Earth-moving (except construction cutting and filling areas, and mining operations)	
(1a)	Maintain soil moisture content at a minimum of 12 percent, as determined by the ASTM [American Society for Testing and Materials] method D2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR
(1a-1)	For any earth-moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.
Earth-moving: Construction fill areas	
(1b)	Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D2216, or other equivalent method approved by the Executive Officer, the California Air Resources Board, and the U.S. EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method 1557 or other equivalent method approved by the Executive Officer and the California Air Resources Board and the U.S. EPA, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.
Earth-moving: Construction cut areas and mining operations	
(1c)	Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining area unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.
Disturbed surface areas (except completed grading areas)	
(2a/b)	Apply dust suppression in sufficient quantity and frequency to maintain a stabilized surface. Any areas which cannot be stabilized, as evidenced by wind driven fugitive dust must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
Disturbed surface areas: Completed grading areas	
(2c)	Apply chemical stabilizers within five working days of grading completion; OR
(2d)	Take actions (3a) or (3c) specified for inactive disturbed surface areas.
Inactive disturbed surface areas	
(3a)	Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible to watering vehicles due to excessive slope or other safety conditions; OR
(3b)	Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR
(3c)	Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR
(3d)	Utilize any combination of control actions (3a), (3b), and (3c) such that, in total, these actions apply to all inactive disturbed surface areas.
Unpaved Roads	
(4a)	Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR
(4b)	Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR
(4c)	Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.

**TABLE 4-2 (Continued)
FUGITIVE DUST CONTROL ACTIONS
(SCAQMD RULE 403, TABLE 1)**

Fugitive Dust Source Category Control Actions	
Open storage piles	
(5a)	Apply chemical stabilizers; OR
(5b)	Apply water to at least 80 percent of the surface area of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR
(5c)	Install temporary coverings; OR
(5d)	Install a three-sided enclosure with walls with no more than 50 percent porosity which extend, at a minimum, to the top of the pile. This option may only be used at aggregate-related plants or at cement manufacturing facilities.
All Categories	
(6a)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 2 may be used.

Rule 403 also requires that the construction activities “shall not cause or allow PM10 levels to exceed 50 micrograms per cubic meter when determined by simultaneous sampling, as the difference between upwind and down wind sample.” Large Projects that cannot meet this performance standard are required to implement the applicable actions specified in Table 3 of Rule 403. Table 3 from Rule 403 is presented below as Table 4-3.

Further, Rule 403 requires that that the project shall not “allow track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation.” All track-out from an active operation is required to be removed at the conclusion of each workday or evening shift. Any active operation with a disturbed surface area of five or more acres, or with a daily import or export of 100 cubic yards or more of bulk materials must utilize at least one of the measures listed in Table 4-4 at each vehicle egress from the site to a paved public road.

**TABLE 4-3
CONTINGENCY CONTROL MEASURES FOR LARGE OPERATIONS
(SCAQMD RULE 403, TABLE 3)**

Fugitive Dust Source Category Control Actions	
Earth-moving	
(1A)	Cease all active operations; OR
(2A)	Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	
(0B)	On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR
(1B)	Apply chemical stabilizers prior to wind event;

**TABLE 4-3 (Continued)
CONTINGENCY CONTROL MEASURES FOR LARGE OPERATIONS
(SCAQMD RULE 403, TABLE 3)**

Fugitive Dust Source Category Control Actions	
	OR
(2B)	Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day;
	OR
(3B)	Take the actions specified in Table 2, Item (3c);
	OR
(4B)	Utilize any combination of control actions (1B), (2B), and (3B) such that, in total, these actions apply to all disturbed surface areas.
Unpaved Roads	
(1C)	Apply chemical stabilizers prior to wind event;
	OR
(2C)	Apply water twice per hour during active operation;
	OR
(3C)	Stop all vehicular traffic.
Open Storage Piles	
(1D)	Apply water twice per hour;
	OR
(2D)	Install temporary coverings.
Paved Road Track-Out	
(1E)	Cover all haul vehicles;
	OR
(2E)	Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads.
All Categories	
(1F)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified in Table 3 may be used.

**TABLE 4-4
TRACK OUT CONTROL OPTIONS**

(A)	Install a pad consisting of washed gravel (minimum-size: one inch) maintained in a clean condition to a depth of at least six inches and extending at least 20 feet wide and 50 feet long.
(B)	Pave the surface extending at least 100 feet and a width of at least 20 feet wide.
(C)	Utilize a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
(D)	Install and utilize a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
(E)	Any other control measures approved by the Executive Officer and the U.S. EPA as equivalent to the methods specified items (A) through (D) above.

Mobile Equipment Emission Control

MM 5.4-2: To reduce equipment emissions, the following measures shall be implemented when feasible.

- Use low emission mobile construction equipment. “CARB Certified” heavy construction equipment conforms to the latest off-road CARB emission standards and is the lowest polluting equipment available. The use of this equipment would reduce heavy equipment NOx emissions by approximately 30 percent and heavy equipment PM10 emissions by approximately 50 percent from the emissions levels shown in Tables 5.4-3 through 5.4-5. This is a substantial reduction but will not reduce emissions to less than the significance thresholds.
- Maintain construction equipment engines by keeping them tuned.
- Use low sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2.
- Utilize existing power sources (i.e., power poles) when feasible. This measure would minimize the use of higher polluting gas or diesel generators.
- Use aqueous diesel fuel where feasible and reasonably commercially available.
- Use cooled exhaust gas recirculation (EGR) where feasible and reasonably commercially available.

Several of the mitigation measures listed above are advanced emission control technologies that are currently not commercially available. For example, aqueous diesel fuel reduces NOx formation by reducing combustion temperatures, resulting in lower NOx emissions. According to the SCAQMD, the current availability of this fuel technology is limited, and it may not be available for use at the landfill. In addition, with EGR diesel engines, a small amount of hot exhaust gas is routed through a cooler and is mixed with fresh air entering the engine. The exhaust gas helps reduce the temperature during combustion, which lowers the formation of thermal NOx. EGR technology is in the development phase and has not been fully commercialized. To the extent that the advanced emissions-control technologies become reasonably commercially available, or are required by the CARB from grading contractors, then such advanced emissions-control technologies will be used.

Furthermore, a requirement to install diesel particulate filters on construction equipment used at the landfill was considered to further reduce emissions. However, the availability of construction equipment retrofitted with diesel particulate filters is limited. This is a result of operational problems in diesel engines equipped with these filters. Therefore, this potential mitigation measure for construction is considered infeasible.

4.2 IMPACTS RELATED TO BIOLOGICAL RESOURCES

4.2.1 Potentially Significant Adverse Impacts Related to Biological Resources

A primary purpose of the Proposed Project is to better define the limits of disturbance associated with the ultimate buildout of the landfill. This will provide a more conservative estimate of the actual effects of landslide remediation and stabilization and ongoing operation

and management of the landfill. Accordingly, the Proposed Project has the potential to result in significant adverse effects to biological resources related to additional ground disturbance in areas required for short-term construction.

4.2.2 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 on biological resources as identified in the Final SEIR. Proposed Project features are included for the primary purpose of reducing the environmental effect of overall landfill operations and support facilities.

4.2.3 Facts in Support of the Findings Related to Biological Resources

Implementation of mitigation measures contained within EIR 575 along with the following mitigation measures and project features will reduce potential significant adverse impacts of the Proposed Project related to biological resources to a less than significant level. There are no significant unavoidable adverse project impacts related to biological resources after implementation of these mitigation measures.

MM 5.5-1 Prior to the initiation of construction within Zone 1 Phase C3, IWMD will obtain authorization to take the thread-leaved brodiaea from the California Department of Fish and Game (CDFG) through the provisions of Section 2081(b) of the California Fish and Game Code if no federal nexus is present such as a U.S. Army Corps of Engineers (USACE) Section 404.

If a USACE Section 404 permit is being pursued, IWMD would request consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Federal Endangered Species Act (FESA). Consultation is required between the USFWS and a federal agency (such as the USACE) whenever a federal action is likely to adversely affect species listed as Threatened or Endangered, such as thread-leaved brodiaea. The anticipated federal action is the issuance/amendment of a 404 permit that will affect the thread-leaved brodiaea.

At the conclusion of the consultation, the USFWS will prepare a Biological Opinion based upon its review of the information provided herein. The final Biological Opinion may include an incidental take statement.

As part of the consultation process under Section 7 of the FESA, the CDFG will be consulted pursuant to Section 2080.1 of the California *Fish and Game Code*. Because the Project will affect a state-listed species, the thread-leaved brodiaea, CDFG concurrence with the Project conservation measures is required. The mitigation for the thread-leaved brodiaea will include the following requirements:

- A pre-construction survey during the peak flowering period, approximately March through June, will be conducted by a qualified biologist. The limits of each brodiaea location within the impact area will be clearly delineated with lath and brightly colored flagging.
- The loss of thread-leaved brodiaea will be mitigated by seed and bulb collection, and revegetation into suitable mitigation site(s). A qualified biologist shall prepare a mitigation plan for review/approval by the USFWS and oversee its implementation. The detailed mitigation plan shall include the following requirements:

- The known populations of thread-leaved brodiaea on the project site shall be determined and mapped as the “collection area.” The collection area shall include only areas within the impact footprint.
- The existing locations of thread-leaved brodiaea shall be monitored every two weeks by a qualified biologist to determine when the seeds are ready for collection. A qualified seed collector shall collect all of the seeds from the plants within the collection area when the seeds are ripe. The seeds will be cleaned and stored by a qualified nursery or institution with appropriate storage facilities.
- Following the seed collection, the bulbs shall be removed by an approved method (e.g., bulb collection or block transplantation). The bulbs shall either be transplanted directly or stored by a qualified nursery or institution with appropriate storage facilities. If the bulbs are collected and the block transplantation method is not used, then the top 12 inches of topsoil from the thread-leaved brodiaea locations shall be scraped, stockpiled, and used at the selected mitigation site.
- The mitigation site(s) shall be located in open space. The site(s) shall not attempt to enhance existing populations and shall be located so as not to be impacted by any pesticides or herbicides used on adjacent properties.
- The thread-leaved brodiaea mitigation site(s) will be prepared for seeding as described in a conceptual restoration plan.
- The topsoil shall be re-spread in the selected location as approved by the project biologist. Approximately 60 percent of the seeds and bulbs collected shall be spread/placed in the fall following soil preparation. Forty percent of the seed and bulbs shall be kept in storage for subsequent seeding, if necessary.
- A detailed maintenance and monitoring plan shall be developed by a qualified biologist. The plan shall include detailed descriptions of maintenance appropriate for the site, monitoring requirements, and annual report requirements and shall have the full authority to suspend any operation in the study area which is, in the qualified biologist’s opinion, not consistent with the restoration plan. Any disputes regarding the consistency of an action with the restoration plan will be resolved by the appropriate Project Applicant and the biologist.
- The performance criteria shall be developed in the maintenance and monitoring plan and approved by a qualified biologist. The performance criteria shall also include percent cover, density, and seed production requirements. These criteria shall be developed by a qualified biologist following habitat analysis of an existing high-quality thread-leaved brodiaea population. This information will be recorded by a qualified biologist.
- If the germination goal is not achieved following the first season, remediation measures shall be implemented prior to seeding with the remaining 40 percent of seed and bulbs. Remedial measures shall include at a minimum: soils testing, control of invasive species, soil

amendments, and physical disturbance (to provide scarification of the seed) of the planted areas by raking or similar actions. Additional mitigation measures may be suggested as determined appropriate by the project biologist.

- Potential seed sources from additional donor sites shall also be identified in case it becomes necessary to collect additional seed for use on the site following performance of remedial measures.

IWMD is currently pursuing authorization to collect seed and propagate the brodiaea as well as transplantation of the plants and soils containing plants from CDFG under Section 2081(b).

MM 5.5-2: Prior to the initiation of construction activities that involve the removal of any pond within Zone 4, the IWMD shall have focused surveys conducted for the San Diego fairy shrimp and Riverside fairy shrimp by a biologist possessing the necessary resource agency permits. The surveys will be performed during the winter season prior to any construction activities on the site that may impact appropriate habitat for the fairy shrimp (i.e., ponds). The surveys will follow the protocol developed by the USFWS for these species. If it is determined that either or both fairy shrimp species are not present, then no further mitigation is necessary. However, if one or both fairy shrimp species are present, then consultation with the USFWS will be necessary in order to obtain a take authorization prior to any construction activities that may impact the species. The permitting process would require the preparation of a Biological Assessment which would include a mitigation plan to avoid or minimize impacts on this species.

MM 5.5-3: Prior to the initiation of construction activities that involve the removal of habitat that is known and/or has the potential to support the western spadefoot toad, the IWMD shall have a focused survey conducted, where appropriate, on the project site prior to any potential impacts and during the breeding season for this species (February through May). The survey results will be submitted within 30 days after completion of the last survey to the CDFG for concurrence. Based on the May 3, 2005 survey results, a relocation program will be developed for western spadefoot on the project site. The relocation program will include a detailed methodology for locating, capturing, and relocating individuals prior to construction. The program will identify a suitable location for relocation of the western spadefoot prior to capture. The relocation program will require a biologist with the necessary permits for handling the western spadefoot. Prior to implementation of the relocation program, the program and the biologist(s) implementing the program will be subject to approval of the CDFG.

MM 5.5-4: Any disturbance to existing or future mitigation areas, including those created by the Pre-Mitigation Plan or the Regional Environmental Enhancement Plan contained herein shall be restored by the IWMD at the completion of the landfilling activity during the next growing season using a hydroseed mix consistent with the appropriate approved mitigation plan. All restored areas will be maintained to remove non-native invasive plant species for a maximum of three years. Implementation of this mitigation measure shall constitute full compliance with the provisions of SEIR 597 and the approved Coastal Sage Scrub/Native Grassland Mitigation Plan. No further mitigation will be assessed against IWMD by the resource agencies.

5.0 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 SEIR, a list of potential alternatives was prepared. For that analysis, the project alternatives were evaluated to determine the extent to which they met 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 of Supervisors certifies that it has independently reviewed and considered the information on alternatives provided in the Final SEIR, including the information provided in comments on the draft SEIR and the Responses thereto. The Final SEIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Final SEIR 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 Final SEIR were framed by considering the project objectives, as well as the significant impacts of the Proposed Project. The project objectives, consistent with those presented in the 2001 Prima Deshecha GDP and EIR 575 are identified in the Final SEIR and are reproduced below:

Solid Waste Management Objectives

- Optimize the use of the site as a long-term waste disposal facility which operates in compliance with local, state, and federal regulations governing landfill operations, and in compliance with regulations protecting the environment.
- Provide for consistency with the County of Orange Integrated Waste Management Plan (CIWMP), adopted County and applicable City General Plans and zoning regulations, and compliance with City MOU design and operational conditions.
- Provide a long-term, regional solid waste management facility with appropriate safeguards to protect public health and safety as well as water, air, soil and other important resources which exist on-site and on surrounding property.

Circulation Objectives

- Provide for regional as well as local access to landfill operations and recreational activities on the site.
- Accommodate adopted MPAH arterial highway alignments through the site.

Recreation and Open Space Objectives

- Identify preferred activities that include a variety of passive and limited active recreational uses which respond to the changing recreational needs in the region.
- Provide a phased recreation concept for implementation of both interim and ultimate recreational uses as solid waste management activities allow.

- Consider recreation goals and objectives of the Orange County Master Plan of Regional Parks as well as with those identified in the Orange County Master Plan of Regional Riding and Hiking Trails and the San Juan Capistrano and San Clemente General Plans.
- Provide opportunities for the benefit of the public to develop and operate recreation facilities within the regional park.
- Provide essential linkages to the existing multiple use trails in the area which will also serve the recreation elements of the GDP.
- Preserve regionally significant habitat on the site which will be set aside as natural reserves and which can be used throughout the region for educational purposes.
- Provide linkage and open space opportunities for wildlife corridors.

The following project objectives directly address the intent of the Proposed Project to increase the limits of temporary ground disturbance for the project in order to seamlessly maintain landfill operations and obtain resource agency permits:

- Accommodate area for measures related to physical site stability
- Accommodate future landfill-related support features

The following project objectives directly address the intent of the Proposed Project to reduce impacts from landfill operations on biological resources, and integrate pre-mitigation requirements with regional environmental planning programs:

- Re-design proposed desilting system to reduce biological resources impacts
- Provide for long-term stewardship of on-site biological resources

The Proposed Project was compared to several alternatives, including the No Project Alternative as required by the CEQA. These Alternatives were: the No Action Alternative; Alternative 1 – Maintain 2001 GDP Zone 4 Footprint and Detention/Desilting Basin Between Zones 1 and 4; Alternative 2 – Maintain 2001 GDP Zone 4 Footprint and Detention/Desilting Basin Between Zones 1 and 4 with Surface Water Augmentation; Alternative 3 — Modify Zone 4 Footprint to Avoid Permanent Impact to Three Least Bell's Vireo Territories; and Alternative 4 – Shift Zone 4 Footprint Southwest for Recharge Purposes.

The analysis in the SEIR concludes that the Proposed Project will result in a significant adverse impact which can not be mitigated to a less than significant level. This unavoidable adverse impact is related to air quality.

The project incorporates comments and review from the following:

1. Responses to the Notice of Preparation;
2. Analysis of the project by staff of various County departments;
3. Responses to Comments on the draft SEIR; and
4. Analysis of the project by the County of Orange Planning Commission and Board of Supervisors.

5.1 THE NO ACTION ALTERNATIVE: IMPLEMENTATION OF THE APPROVED PROJECT IN THE 2001 GDP

The No Action Alternative consists of the approved project in the 2001 Prima Deshecha GDP, as revised by Amendment No. 1, the MOU between the County of Orange and the cities of San Juan Capistrano and San Clemente, and agreements with the Rancho Mission Viejo Company, LLC (RMV). Under the No Action Alternative, neither the geographic extent of landslide or slope-stabilization measures that are required for the implementation of the Zone 4 portion of the project site were specifically presented in EIR 575. Based upon the geotechnical characteristics of the area and the recent history of landslides at the site (May 1998), landslide-remediation measures that involve excavation buttress fill activities for Zones 1 and 4 will likely extend beyond the original zone boundaries. Without approval to implement these measures, it is unlikely that resource agency or landfill operations permits would be issued for full implementation of landfill operations in Zone 4. Under this scenario, the reduction of capacity at the PDL caused by a reduction in the area available for stable landfill operations would require the County of Orange to identify feasible off-site disposal alternatives to offset this loss in capacity.

The No Action Alternative does not include development of the rainfall storage system/subsurface reservoir. Impacts to the spring recharge area within Zone 4 would occur requiring the implementation of mitigation measures similar to those being evaluated in the Proposed Project. Without a Pre-mitigation Plan in place, project mitigation would have to be developed without the benefit of a regional view toward biological resource restoration and enhancement. The benefits to the environment from a regional planning approach would be much more limited without effective partnering in the South Orange County Natural Communities Conservation Plan or Special Area Management Plan programs

5.1.1 Summary of Major Environmental Impacts of the No Action Alternative

The No Action Alternative is based on landfill operations at the site continuing in accordance with the 2001 Prima Deshecha GDP. However, landfill capacity as estimated and approved in the 2001 GDP will not be achieved if additional area required for landslide remediation is not available (or permitted for disturbance). If landfill capacity is reduced, the need for the County to look elsewhere for refuse disposal would be considered significant, as documented within EIR 575. If the County can continue operations in Zone 4 (either in whole or in part), then biological resources will be affected incrementally over time by both indirect and direct impacts to the spring that feeds the Prima Deshecha Cañada stream channel. Once this impact occurs, a supplemental water source will need to be identified to maintain flows in the channel. Impacts associated with this water source will vary depending upon the source and method of delivery.

5.2 ALTERNATIVE 1 – MAINTAIN 2001 GDP ZONE 4 FOOTPRINT AND DETENTION/DESILTING BASIN BETWEEN ZONES 1 AND 4

Alternative 1 consists of the 2001 Prima Deshecha GDP design for Zone 4 including a detention/desilting basin located between Zones 1 and 4, but proposes that this basin be situated north of and outside the Prima Deshecha Cañada stream channel. Although the basin is proposed to be located outside the Prima Deshecha Cañada streambed, there would be temporary impacts to the streambed during construction associated with remediation requirements for a landslide complex underneath the area proposed for the basin.

5.2.1 Summary of Major Environmental Impacts of Alternative 1

Alternative 1 maintains a balanced landfill with the same capacity as approved within the 2001 Prima Deshecha GDP. Preliminary geotechnical investigations indicate that the proposed basin location is in an area of a large landslide complex, which will require extensive earthwork removal and replacement to provide for a stable subgrade for basin construction. Alternative 1 would have a permanent impact on one least Bell's vireo (LBV) territory and temporary impacts to four LBV territories. Additional mitigation approved by the USFWS and CDFG would have to be implemented to offset impacts associated with the temporary loss of riparian habitat.

5.3 ALTERNATIVE 2 – MAINTAIN 2001 GDP ZONE 4 FOOTPRINT AND DETENTION/DESILTING BASIN BETWEEN ZONES 1 AND 4 WITH SURFACE WATER AUGMENTATION

Alternative 2 consists of the 2001 Prima Deshecha GDP design for Zone 4, including a detention/desilting basin located between Zones 1 and 4 north of the Prima Deshecha Cañada channel, with surface water augmentation of spring flows. The augmentation approach is proposed to be implemented when subdrain flows are not sufficient to sustain riparian habitat within the downstream portions of Prima Deshecha Cañada channel. Subdrain flows will be utilized to the extent possible to recharge the Prima Deshecha stream on the landfill property and will not be discharged off site except during significant storm events. Surface water augmentation options may include:

- Off-site water source
- On-site water source
- Irrigation water source
- Groundwater

5.3.1 Summary of Major Environmental Impacts of Alternative 2

Remediation measures would be implemented for the Zone 4 basin upon initiation of excavation within Zone 4. Potential water quality impacts will likely vary based upon the option selected for surface water augmentation (i.e. off-site water source, on-site water source, irrigation water source, or groundwater). Alternative 2 will also have a permanent impact to five LBV territories.

Groundwater extraction capabilities from the site are not clearly understood without additional data collection efforts. Irrigation and other off-site water sources are not considered 'natural' flows and are not favored for environmental restoration or mitigation purposes. However, it should be noted that the existing natural hydrology is not considered adequate for existing habitat resources. Mitigation costs would be higher for Alternative 2 than those for the Proposed Project based upon greater impacts to the LBV, the Prima Deshecha Cañada channel, and associated biological resources.

5.4 ALTERNATIVE 3 – MODIFY ZONE 4 FOOTPRINT TO AVOID PERMANENT IMPACT TO THREE LEAST BELL'S VIREO TERRITORIES

Alternative 3 proposes to shift the Zone 4 grading plan east in order to place future graded slopes outside portions of the Prima Deshecha Cañada stream channel. The Zones 1 and 4 desilting basin is also moved to an off-line location outside the existing streambed and riparian area. This alternative is proposed to avoid direct impact to three occupied LBV territories located between Zones 1 and 4. Alternative 3 significantly reduces landfill capacity by approximately 24 percent; accordingly, Zone 4 bottom grades are deeper to restore this lost capacity.

5.4.1 Summary of Major Environmental Impacts of Alternative 3

The deeper landfill bottom required to reclaim capacity impacted by this alternative may require a larger shear key design in Zone 4 in order to stabilize the additional refuse mass over the existing landslide area. Significant uncertainties relative to stability of existing subterranean landslide complexes and potential impacts on local and regional groundwater resources would require extensive technical studies over an extended period of time to obtain the data needed for feasibility determination. The deeper landfill bottom required to reclaim the capacity impacted by this alternative will require regulatory approval of a landfill liner system design below historic groundwater elevations, with a larger subdrain system to collect groundwater.

As there are no soil stockpile areas available on site that are large enough, provide a stable foundation area, or have not already been allocated for specific use to accommodate the sizable volume of soil that would be generated with this alternative, large volumes of excess soil would have to be transported to currently undeveloped off-site disposal or stockpile locations. This could result in potentially significant adverse environmental effects to current and future traffic conditions; air quality associated with truck traffic; potential biological impacts on undeveloped, off-site areas; and economic effects. If Zone 4 landfill grades do not go deeper, the resulting loss of landfill capacity is estimated to be approximately 14 million tons, or about 11 years of landfill life.

Alternative 3 will have a permanent impact to two LBV territories and a temporary impact during basin construction and landslide remediation on a portion of one territory. Supplemental water would still be required to sustain the habitat that supports the remaining LBV territories.

5.5 ALTERNATIVE 4 – SHIFT ZONE 4 FOOTPRINT SOUTHWEST FOR RECHARGE PURPOSES

Alternative 4 proposes a design to shift the Zone 4 landfill footprint southwest approximately 300 feet. In order to maintain capacity, the revised design plan would entail excavating deeper, and filling higher along La Pata Avenue without exceeding the top elevation limit of 1,010 above mean sea level (msl). The depth of the landfill is determined by the amount of soil excavation required for landfill cover operations.

5.5.1 Summary of Major Environmental Impacts of Alternative 4

By shifting the landfill to the southwest, more mass is placed over the upper two thirds of a massive landside complex, likely resulting in the need for a larger shear key or buttress to accommodate the additional refuse load and deeper excavation. In addition, a larger number of subdrains, more efficient drainage media, and design modifications to include cleanouts would be necessary to ensure that a free-draining condition is maintained over an extended period. The potential for leakage from the subdrain system is higher with this alternative than the current design which could negatively affect the shear key stabilization fill directly under the southwesterly end of the landfill. This could significantly increase system design complexity and reduce the factor of safety to below an acceptable level.

Alternative 4 could raise engineering and environmental complexities associated with the need to stockpile excess soil generated on-site, and the lack of available stockpile areas at the PDL. The cost and potential environmental impacts of transporting soil off site are high, as discussed in Alternative 3. The deck area for the landfill in Alternative 4 is also smaller and narrower than the 2001 GDP Zone 4 design and may also impact landfill operations, viewshed, and end use potential.

Alternative 4 will have a permanent impact to two full LBV territories and a very small portion of two other LBV territories during the first few phases of the Zone 4 implementation.

Although this alternative is intended to reduce potential impacts to the Prima Deshecha Cañada stream channel, the project will interrupt the natural stream flow and subsequently affect the hydrology within Prima Deshecha Cañada channel, which is known to support ten pairs of LBV. Therefore, supplemental water would still likely be required to sustain the habitats located within the remaining natural and created riparian habitats located immediately downstream. Also, impact to special status species would be the same as Alternatives 1, 2, and 3

The Alternative 4 design plan results in a reduction of approximately 6 mcy of refuse capacity from the 2001 GDP Zone 4 landfill design, even with a deeper excavation (approximately 70 feet) and higher fill slopes along the westerly edge.

6.0 ABILITY OF THE ALTERNATIVES TO MEET THE PROJECT OBJECTIVES

Table 6-1 provides a comparison of project alternatives against each alternative's ability to meet the Proposed Project purpose and need, maintain landfill capacity, provide for a plan to acquire long-term resource agency permits, reduce impacts to biological resources and endangered species, achieve engineering feasibility, maintain channel flows in Prima Deshecha Canada, and avoid a significant cost increase over the approved design in the 2001 GDP. As shown in Table 6-1, the only Alternative which performs well against all criteria is the Proposed Project. Alternatives 1 and 2 continue to incur increased impact to biological resources, and possess potential engineering feasibility issues. Alternatives 3 and 4 significantly affect landfill capacity, fail to meet the proposed project purpose and need, and incur implementation cost increases.

**TABLE 6-1
ALTERNATIVES MATRIX**

Alternative	Meets Purpose and Need	Maintains Landfill Capacity	Permits Project Through Build-Out	Reduces Bio Impacts from GDP	Reduces Impact to LBV	Cost Increase	Engineering Feasibility	Maintenance Channel Flows
Proposed Project	•	•	•	•	•		•	•
No Action Alternative		•					•	
Alternative 1	•	•	•				•	
Alternative 2	•	•	•				•	•
Alternative 3			•	•	•	•		
Alternative 4			•	•		•		

7.0 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Analysis of feasible alternatives to the Proposed Project indicates that the Proposed Project is the Environmentally Superior Alternative, as considered under CEQA, and is the Least Environmentally Damaging Alternative, as considered under Section 404 of the Clean Water Act. The project purpose and need reflects the objectives of reducing impacts to biological resources, enhancing the ability of the PDL to accommodate site stabilization requirements, and reducing potential future negative effects to landfill operations and on-site environmental resources. Formulation of the Proposed Project was guided by the desire to minimize environmental impacts of landfilling activities and to maximize environmental enhancement and protection outputs at the project site. This analysis of the alternatives developed for the Proposed Project concludes that the alternatives provide reduced benefits to local and regional biological resources and/or impacts to other resource categories. As the Proposed Project has

been expressly formulated to maximize environmental benefits through proactive pre-mitigation planning and to minimize impacts to on-site biological resources associated with landfill operations through re-design of project features, it has been identified as both the Environmentally Superior Alternative and the Least Environmentally Damaging Practicable Alternative.

7.1 ADEQUACY OF THE RANGE OF ALTERNATIVES ADDRESSED/ANALYZED

The Board of Supervisors finds that the range of alternatives studied in the SEIR 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.

8.0 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 Final SEIR analyzes the potential cumulative impacts associated with implementation of the Proposed Project. In evaluating the Proposed Project's cumulative impacts, SEIR 597 considered the effects of the Proposed Project against those analyzed for the approved project contained within the 2001 Prima Deshecha GDP. SEIR 597 is a supplement to EIR 575, which contained a thorough cumulative impact analysis for the 2001 Prima Deshecha GDP, as amended. Based on that analysis, SEIR 597 indicates that the Proposed Project presented in the Second Amendment will not result in any environmental impacts that cannot be mitigated to a less-than-significant level other than air quality. Impacts from implementation of the Second Amendment to the GDP are relatively minor, and will not cause any cumulative effects beyond those identified in EIR 575 for the 2001 GDP.

Close coordination of the Proposed Project with the La Pata Avenue Gap Closure project has indicated that implementation of the Proposed Project will neither preclude the design, construction, or operation and maintenance requirements for either potential roadway alignment under consideration when the draft SEIR was prepared, nor will it impact implementation of the Proposed Project Pre-mitigation Plan. Consideration has been given to the cumulative effect of the Proposed Project on the communities in the vicinity of the PDL. Analyses presented in the SEIR 597 have illustrated that the Proposed Project will not induce any cumulative effect to these communities over those identified in the 2001 Prima Deshecha GDP and subsequent environmental documentation provided by the developers.

9.0 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 draft SEIR 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 Final SEIR or is outweighed by the facts set forth in the Statement of Overriding Considerations (SOC).

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

10.0 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.

Construction of the Whispering Hills residential development and the San Juan Hills High School (SJHHS) has been initiated since finalization of the 2001 Prima Deshecha GDP and certification of EIR 575. The Whispering Hills development was considered as a regional project in EIR 575, and landfill operations as described within the 2001 Prima Deshecha GDP were considered within the Whispering Hills EIR and SJHHS Addendum. As the Proposed Project does not increase environmental impacts to surrounding communities over those identified within EIR 575, no significant new information has been received since public notice was given of SEIR 597.

11.0 STATEMENT OF OVERRIDING CONSIDERATIONS

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment.
2. Specific economic, legal, social, technological, or other considerations make infeasible effective mitigation measures or the alternatives identified in the Final SEIR for air quality impacts. 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.

12.0 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).