

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

April 17, 2007

Submitting Agency/Department: INTEGRATED WASTE MANAGEMENT DEPARTMENT

Adopt resolutions certifying Final Environmental Impact Report 588 for Regional Landfill Options for Orange County Strategic Plan; approving Olinda Alpha Landfill Implementation Project; making California Environmental Quality Act and other related findings; and direct staff to negotiate cooperative agreement with Brea - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) NGUYEN: Y (2) MOORLACH: Y (3) CAMPBELL: Y (4) NORBY: Y (5) BATES: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s) 07-044 - 07-045
- Ordinances(s)
- Contract(s)

Item No. 23

Special Notes:

Copies sent to:

CEO
IWMD – Janice V. Goss
Auditor – Jan Grimes
5/2/07



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
DARLENE J. BLOOM, Clerk of the Board

By: _____

Morales
Deputy



RECEIVED
APR -9 AM 10: 21

AGENDA STAFF REPORT

ASR Control 07-000742

7A3

MEETING DATE: 04/17/07
 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
 Dick Harabedian (714) 986-2391

SUBJECT: EIR 588 RELOOC Strategic Plan - Olinda Alpha Implementation

CEO CONCUR Concur	COUNTY COUNSEL REVIEW Approved Resolution to Form	CLERK OF THE BOARD Consent Calendar 3 Votes Board Majority
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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 - 299

Prior Board Action: Minute Order of May 21, 2002, selecting Regional Landfill Options for Orange County as preferred alternative for planning and feasibility study.

RECOMMENDED ACTION(S)

1. Adopt Resolution (Attachment 1) certifying Final Environmental Impact Report 588 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan - Olinda Alpha Landfill Implementation Project.
2. Adopt Resolution (Attachment 2) approving the Olinda Alpha Landfill Implementation Project.
3. Direct IWMD to continue to negotiate the development of a Cooperative Agreement with the City of Brea.

SUMMARY:

IWMD requests certification of EIR 588 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan - Olinda Alpha Landfill Implementation Project; and approval of the proposed project.

BACKGROUND INFORMATION:

The Regional Landfill Options for Orange County (RELOOC) project is a long-range (40-year) strategic planning effort initiated by the County of Orange Integrated Waste Management Department (IWMD). The purpose of RELOOC is to assess the County's existing disposal system capabilities and develop viable short and long-term solid waste disposal options for the County. As part of that endeavor, IWMD is considering landform and operational modifications to existing solid waste landfills owned by the County and operated by IWMD.

The Olinda Alpha Landfill Implementation Project consists of landfill site modifications facilitating continued operation of the Olinda Alpha Landfill near the City of Brea beyond its current permitted closure date of 2013 to the estimated future closure year 2021. The proposed project includes both a vertical and a horizontal expansion of Olinda Alpha Landfill within the existing landfill property boundary. As proposed, the height of Olinda Alpha Landfill would be increased from its current permitted elevation of 1,300 feet above mean sea level (AMSL) to a maximum of 1,415 feet AMSL or a net vertical increase of 115 feet. The horizontal expansion would include landform modifications to the northeast part of the existing landfill property, expanding the current refuse footprint by an estimated 33 acres. The expanded landfill would ultimately provide an additional 25.7 million cubic yards of air space or accommodate disposal of an additional 14.2 million tons of municipal solid waste (MSW) and would extend the life of this landfill beyond its current permitted closure date of 2013 to approximately 2021, based on current population projections, daily tonnage, compaction densities, approved landfill elevations and existing disposal technologies.

Traffic access to Olinda Alpha Landfill would remain unchanged under the proposed project, with access provided via SR-57, Imperial Highway and Valencia Avenue. The total number of trips per day to the landfill for MSW disposal would not increase under the proposed project because the permitted daily tonnage accepted at Olinda Alpha Landfill would not increase compared to existing conditions.

Since 2001, more than twenty meetings have been held in the City of Brea presenting the RELOOC project and the proposed expansion of the Olinda Alpha Landfill to the Brea City Council, Brea city staff, community groups and the general public. On March 24, 2005, IWMD made a public presentation to the Brea City Council during a Special Meeting describing this proposed landfill expansion, its impacts and mitigations. Questions and concerns from the City Council and the public in attendance were addressed.

IWMD has been in continuing discussions with the City of Brea since December 2004 to negotiate a mutually acceptable agreement addressing the interests of the City of Brea and the County of Orange as they relate to the proposed landfill expansion project. While the mitigation measures set forth in the EIR fully address the project's identified impacts, an agreement could provide for additional responses to the City's concerns in a mutually acceptable manner. These discussions are still ongoing.

CEQA COMPLIANCE: EIR 588

On January 8, 2004, IWMD circulated a Notice of Preparation/Initial Study (NOP/IS) to all responsible agencies and interested parties. A public scoping meeting was conducted on January 22, 2004, at Brea City Hall to solicit comments from the general public. Public comments received during the scoping meeting and 30-day NOP/IS comment period were incorporated into Draft EIR 588.

On June 17, 2004, Draft EIR 588 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan - Olinda Alpha Landfill Implementation (SCH #2004011055) was circulated for a 45-day comment period to the general public, including city staff, regulatory agencies, homeowner associations and interested parties.

Draft EIR 588 analyzed 16 topical areas including: slope stability, land use, groundwater quality, site hydrology, traffic, air quality, noise and vibration, aesthetics, cultural/scientific resources, and biological resources. As shown in the Mitigation Monitoring and Reporting Program (Attachment 1.B) 28 mitigations are proposed which, except for the impact on air quality, reduce the effects to a level less than significant.

During the week of November 1, 2004, a Notice of Public Hearing by the Orange County Planning Commission to consider EIR 588 was mailed to surrounding property owners, neighboring cities, regulatory agencies, interested parties and homeowner associations. In addition, a Notice was published in the November 3, 2004, edition of the Orange County Register. On November 17, 2004, the Planning Commission conducted a public hearing and received a staff report and public comments regarding the proposed project. During this hearing the Development Services Director from the City of Brea addressed the Planning Commission and indicated that the City was primarily concerned with traffic, aesthetics and noise impacts associated with the proposed landfill expansion. These were the same type of comments that the City submitted on Draft EIR 588. To address City of Brea comments received on Draft EIR 588, IWMD conducted additional vibration analyses along landfill access routes and generated viewshed simulations. During the Planning Commission hearing Brea's Development Services Director acknowledged the additional information provided to the city and the modifications to the mitigation measures. He also requested that IWMD perform additional vibration analysis, develop adequate mitigation measures for vibration impacts, commit to a fair share portion of road improvement and maintenance related to the landfill, provide funding for landscaped medians along Valencia from Imperial Highway to the landfill entrance point, and ensure the City be involved in landscape planning at the landfill.

During the Draft EIR public review period and at the Planning Commission hearing, members of the public requested that landfill truck traffic be removed from City of Brea streets by constructing an alternative route to the landfill, preferably along a proposed Tonner Canyon Road extension. In Draft EIR 588, IWMD explains that in 1994 the County completed the *Project Report and Preliminary Summary of Environmental Impacts, Landfill Access Road Alternatives, Olinda/Olinda Alpha Landfill Vertical Expansion Project* which concluded that Valencia Avenue is the environmentally superior and preferred alternative for access to the landfill. The 2nd Amendment to the existing Brea Memorandum of Understanding, approved by the Board of Supervisors June 13, 1995, memorialized the decision for continued use of Valencia Avenue as sole access to the landfill. The issue of a potential western landfill access road/extension of Tonner Canyon Road was also extensively studied in two previous EIRs: EIR 550 (1997) for determining landfill access road alternatives; and EIR 581 (2002) for the Tonner Hills Planned Community. Both of these reports determined that the extension of Tonner Canyon Road would result in regionally significant impacts to biological resources by bisecting an important wildlife movement corridor. County improvements to Valencia Avenue constructed since 1997 provide the necessary capacity on Valencia Avenue to adequately serve the landfill throughout the life of the proposed landfill expansion. For these reasons, the proposed expansion project at Olinda Alpha Landfill in EIR 588 did not include any project components or analysis related to the extension of Tonner Canyon Road or the use of Tonner Canyon Road for access to the landfill through the life of this proposed project.

The Planning Commission considered all comments received during the Planning Commission Public Hearing, and considered IWMD staff responses to those comments. The Planning Commission also thoroughly reviewed and considered all written comments received on Draft EIR 588 and IWMD's written responses to those comments. The Planning Commission then determined that the impacts of the Olinda Alpha Landfill expansion had been adequately addressed in Proposed Final EIR 588 and

recommended forwarding the EIR to the Board of Supervisors for certification. The IWMD report to the Planning Commission (dated November 17, 2004) provides a more thorough discussion of the issues addressed and is included as Exhibit 1.

A responsible agency, the South Coast Air Quality Management District (SCAQMD) received a copy of Draft EIR 588 at the opening of the public review period, but submitted its comment letter on Draft EIR 588 in January 2005, over four months after the close of the public review period and after the Planning Commission meeting on this Draft EIR. As a courtesy to the SCAQMD, IWMD prepared responses to the SCAQMD's comments. The SCAQMD's comment letter and IWMD's response letter are contained in Proposed Final EIR 588 (Attachment 3).

In the course of the EIR process, the County prepared complete responses to all of the comments received, including those of the City of Brea. In addition, the County has engaged in extensive negotiations with the City of Brea in order to develop an agreement to address the City's additional concerns beyond the matters addressed and mitigated in the EIR. As of this moment, the City and County have been unable to arrive at a mutually acceptable understanding. This means that, in some cases, identified mitigation measures cannot be implemented due to circumstances beyond the control of the County and additional responses to the City's concerns are unlikely to be provided. Because this is an important public project necessary to provide for the public health, safety and welfare by providing cost effective trash disposal within the County of Orange for the benefit of its residents, a Statement of Overriding Considerations has been prepared describing the specific economic, legal, social, technological or other benefits of the project that outweigh the environmental impacts and support the decision to approve the project without mitigation of the impacts that cannot be avoided or reduced to an acceptable level, including all of the elements on which the County and City have been unable to arrive at an acceptable agreement. to address the concerns expressed by the City.

Due to the fact that the County and City have not been able to arrive at a mutually satisfactory agreement, the proposed mitigation, based on that renegotiation, of the land use and other impacts or asserted impacts, including air quality, aesthetics, noise, recreation and others as specifically described in the Statement of Overriding Considerations and the Findings cannot be carried out as a result of circumstances beyond the control of the County. Therefore, those impacts are addressed in the Statement of Overriding Considerations.

Proposed Final EIR 588 has been prepared for the Olinda Alpha Landfill expansion project in accordance with CEQA requirements. The County has further reviewed the EIR in light of the time between the Planning Commission action and this meeting and has concluded that the basis of the facts, circumstances and analysis in the EIR have not changed over the course of that period. The draft CEQA resolution, including the proposed Statement of Facts and Findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations, is submitted as Attachment 1. The Proposed Final EIR 588, including the Draft EIR text, responses to comments and technical appendices, is submitted as Attachment 3.

A draft resolution approving the proposed Regional Landfill Options for Orange County (RELOOC) Strategic Plan - Olinda Alpha Landfill Implementation, including the Statement of Overriding Considerations, is submitted as Attachment 2.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

County Counsel

EXHIBIT(S):

IWMD Staff Report to the Planning Commission, dated November 17, 2004

ATTACHMENT(S):

1. Draft Board of Supervisors' Resolution certifying Final EIR 588 as complete and adequate in that Final EIR 588 addresses all environmental effects of the RELOOC – Olinda Alpha Project and fully complies with the requirements of CEQA, the State CEQA Guidelines, and the County's environmental analysis procedures, including:

- a. Statement of Findings and Facts
- b. Mitigation Monitoring and Reporting Program
- c. Statement of Overriding Considerations

2. Draft Board of Supervisors' Resolution approving the proposed Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Olinda Alpha Landfill Implementation

3. Proposed Final EIR 588 (Available for review at Clerk of the Board)



Revision to ASR and/or Exhibits/Attachments

Date: April 11, 2007

To: Darlene J. Bloom, Clerk of the Board of Supervisors

CC: County Executive Office

From: IWMD - Robin Hall, Office of Public Affairs

RE: Agenda Item(s) # 23 for the 4/17/07 Board Meeting

ASR Control #(s): 07-000742

Subject: EIR 588 RELOOC Strategic Plan - Olinda Alpha Implementation

Explanation:

Revising Recommended Actions per County Counsel (Roger Freeman)

Revised Recommended Action(s)

1. Adopt Statement of Facts and Findings.
2. Adopt Mitigation Monitoring and Reporting Program.
3. Adopt Resolution (Attachment 1) certifying Final Environmental Impact Report 588 for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Olinda Alpha Landfill Implementation Project.
4. Adopt Statement of Overriding Considerations.
5. Adopt Resolution (Attachment 2) approving the Olinda Alpha Landfill Implementation Project.
6. Direct IWMD to continue to negotiate the development of a Cooperative Agreement with the City of Brea.

Make modifications to the:

Subject Background Information Summary

Revised Exhibits/Attachments (attached)

Additional Information and/or Correspondence (attached)



Revision to ASR and/or Exhibits/Attachments

Date: April 13, 2007

To: Darlene J. Bloom, Clerk of the Board of Supervisors

CC: County Executive Office

From: Jan Goss, Director, IWMD *Chis Monahan for*

RE: Agenda Item(s) # 23 for the April 17, 2007 Board Meeting

ASR Control #(s): 07-000742

Subject: Adopt resolution certifying Final Environmental Impact Report 588 for Regional Landfill Options for Orange County Strategic Plan; adopt resolution approving Olinda Alpha Landfill Implementation Project; making related findings; and authorize negotiation of cooperative agreement with Brea - All Districts

Explanation:

Revision of Board Agenda Item No. 23 – OAL EIR Certification – Page 3, Paragraph 3 - Clarifying language was inserted.

- Revised Recommended Action(s)
- Make modifications to the:
- Subject Background Information Summary
- Revised Exhibits/Attachments (attached)
- Additional Information and/or Correspondence (attached)

Please replace existing Page 3 with attached, REVISED Page 3.