

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

962
A



FROM: Waste Management Department

SUBMITTAL DATE:
March 19, 2009

SUBJECT: El Sobrante Landfill Solid Waste Facility Permit (SWFP) Revision Project

RECOMMENDED MOTIONS: That the Board of Supervisors:

- Adopt Resolution No. 2009-093** Approving the El Sobrante Landfill SWFP Revision Project, Certifying the Supplemental Environmental Impact Report for the El Sobrante Landfill SWFP Revision Project, and Adopting a Mitigation Monitoring Program.

BACKGROUND: The El Sobrante Landfill is an existing Class III, non-hazardous municipal solid waste (MSW) landfill located at 10910 Dawson Canyon Road, easterly of Interstate 15 and Temescal Canyon Road, in the Temescal Canyon area of unincorporated Riverside County. The landfill has been in operation since 1986 and represents a public/private partnership between the Riverside County Waste Management Department (Department) and USA Waste of California, Inc. (USA Waste), a subsidiary of Waste Management Inc (WMI). USA Waste is the owner/operator of the landfill, while the Department operates the scale house and implements a load check program. The landfill accepts waste from both Riverside County and out-of-County sources. MSW is allowed to be accepted on a daily basis between the hours of 4:00 AM and 12:00 Midnight. Non-waste operations, such as grading, site maintenance, and vehicle maintenance, is allowed to occur 24 hours per day, seven (7) days per week.

(Continued)

Hans W. Kernkamp, General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: MICHELLE CLACK
DATE: 3/23/09
Departmental Concurrence

Policy Policy
Consent Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 12.1 (3/13/07) District: 1 Agenda Number:
12.2 (10/30/07)

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

12.3

F11 – El Sobrante Landfill SWFP Revision Project

Submittal Date: March 19, 2009

BOS Meeting Date: March 31, 2009

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On September 1, 1998, the Riverside County Board of Supervisors (BOS): 1) approved a lateral and vertical expansion of the El Sobrante Landfill; 2) certified the corresponding Environmental Impact Report (EIR), comprised of a Draft EIR, dated April 1994, a Final EIR, dated April 1996, and an Update to the Final EIR (collectively referred to as Expansion EIR), dated July 1998; and, 3) entered into the Second El Sobrante Landfill Agreement (Second Agreement) with USA Waste.

Pursuant to the Second Agreement, which specifies landfill operating conditions and requirements, the El Sobrante Landfill was expanded, increasing the project site from 178 acres to 1,322 acres, increasing the overall waste disposal capacity from approximately nine million tons to approximately 109 million tons, and increasing the daily disposal capacity from 4,000 to 10,000 tons per day (tpd), with 4,000 tpd reserved for in-County waste and 6,000 tpd for out-of-County.

A First Amendment to the Second Agreement was approved by the BOS on July 1, 2003, which allowed WMI to install electrical generating equipment to convert landfill gas and to grind green waste onsite. The Second Agreement was amended a second time on March 13, 2007 when the BOS approved the Second Amendment to the Second Agreement and authorized the Chairman to execute the Amendment on behalf of the Board.

In order to fully assess the environmental impacts of the Project, the Department hired T&B Planning, an environmental consulting firm, to conduct a full environmental review/assessment of the proposed SWFP Revision Project and prepare the Supplemental Environmental Impact Report (SEIR) and any necessary technical reports. On October 30, 2007, the BOS approved the Consultant Services Agreement with T&B Planning. Pursuant to the Second Amendment, WMI made an initial deposit of \$25,000 to cover costs for environmental review and preparation of environmental documents necessary for the SWFP Revision Project. Subsequent deposits have been made by WMI to fund staff costs and consultant invoices.

PROJECT DESCRIPTION: The project is a proposal to revise the SWFP for the El Sobrante Landfill pursuant to the Second Amendment, which allows for WMI to seek approvals and/or permits as may be necessary to authorize the following revisions to landfill operations:

- An extension of hours at the gate to allow for waste disposal activities to occur over a continuous 24-hour period. The landfill is permitted to be open 24 hours a day for ancillary landfill activities, but acceptance of waste for disposal is limited to 20 hours a day, from 4:00 AM to 12:00 Midnight. The Project would increase landfill hours to accept waste for disposal by four (4) hours. Permitted days of operation would remain Sunday through Saturday, seven (7) days per week, except for County landfill holidays.
- A change in the maximum disposal tonnage limits from a daily limit to a weekly limit. The landfill is permitted to accept a maximum of 10,000 tpd, seven (7) days per week, or 70,000 tons per week (tpw). Instead of a maximum daily limit, the proposed change would set a maximum weekly tonnage limit of 70,000 tpw.

The SWFP will maintain both the permitted days of operation of Sunday through Saturday, seven (7) days a week, 360 days per year, and the daily maximum vehicle trips count of 1,305.

ENVIRONMENTAL ANALYSIS: In August 2007, the Department prepared and distributed a Notice of Preparation of a SEIR and an Initial Study (IS) to Responsible Agencies and the public for a 30-day public review. The IS identified the following areas as requiring further study to determine if

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implementation of the Project would result in any potential impacts: Aesthetics, Air Quality, Noise, Public Health and Safety, and Transportation/Circulation.

The Department determined that only minor revisions to the previous Expansion EIR were necessary to make the previous Expansion EIR adequately apply to the proposed Project in the changed situation. Accordingly, and pursuant to CEQA Guidelines §15163, the Department determined that a Supplement to an EIR or SEIR is required. The SEIR (State Clearinghouse No. 2007081054) was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code §21000, et seq.) and the State CEQA Guidelines (California Code of Regulations §15000, et seq.) for the purpose of disclosing the potential for significant environmental impacts to occur as a result of the proposed project to revise the El Sobrante Landfill SWFP.

The SEIR, supported by technical studies for Aesthetics, Air Quality, Noise, and Transportation/Circulation, determined that the Project would not have any additional environmental impacts above what was already evaluated and fully mitigated for in the Expansion EIR. Furthermore, it was determined that the Project would not require additional mitigation beyond that which was identified by the Expansion EIR.

Since certification of the Expansion EIR in 1998, several of the mitigation requirements associated with the Expansion project have since been fulfilled, while others reflect on-going or yet-to-be fulfilled requirements. The Department has updated the Mitigation Monitoring Program (MMP) for the Expansion EIR to reflect the fulfillment of some measures, and to update measures due to changed circumstances (subsequent amendments). The updated MMP for the El Sobrante Landfill SWFP Revision Project, which requires adoption by the Board of Supervisors, is included as a summary in the SEIR as Table S-1 and as an attachment.

In accordance with CEQA, the Notice of Completion (NOC) and the SEIR were posted with the State Clearinghouse and the County Clerk. A Notice of Availability (NOA) along with the SEIR attached as a CD was transmitted to responsible agencies and interested parties (see attached NOA and Transmittal List) for a 45-day comment period that began on December 22, 2008 and ended on February 4, 2009. The NOA, advertising the public comment period for the SEIR, was published in *The Press Enterprise*, as well as transmitted via certified mail to surrounding property owners. The SEIR could also be viewed on the RCWMD's website (www.rivcowm.org). Copies of the SEIR were made available to the public at the offices of the RCWMD in Moreno Valley, at the El Sobrante Landfill, and at the following public libraries: Woodcrest Community Library, Lake Elsinore Library, El Cerrito Library, and the Riverside Central Library. Furthermore, the Department presented the findings of the SEIR at the following public meetings:

- Temescal Valley Municipal Advisory Committee (1/7/09);
- El Sobrante Citizen Oversight Committee (1/14/09);
- Surrounding Canyon Residents Community Meeting held at El Sobrante Landfill (1/17/09);
- El Cerrito Community Meeting held at the El Cerrito Library (1/27/09).

During the comment period, the Department received a total of six (6) letters of comment from the following sources: 1) California Integrated Waste Management Board; 2) Riverside County Flood Control and Water Conservation District; 3) U.S. Army Corps of Engineers; 4) Riverside County Fire Department; 5) El Sobrante Citizens Oversight Committee; 6) Allen Matkins (Attorneys for Temescal Heights-9 LLC). The Department also received several Public Comment Cards during public presentations. All comment cards received at the public meetings were in support of the project.

The Department reviewed the comments on the Draft SEIR to determine if the comments would result in a substantial revision of the SEIR thereby requiring recirculation, as defined in State CEQA Guidelines Sections 15088 and 15088.5. The Department prepared responses to agencies and interested parties with specific comments about the project (see attached Final SEIR). While staff determined that the comments do not warrant a recirculation of the SEIR, comments received from Allen Matkins identified a mistake in the Noise Study. The Noise Study erroneously transposed the measurement locations for Locations A and B, which resulted in the ambient noise levels at the nearest residence being overstated in the SEIR. As a result, an addendum to the Noise Study was prepared and is included with the Final SEIR. The addendum shows the revised values, using the correct ambient noise levels and taking into consideration the topography. While this information slightly differs from what was in the public review draft, the purpose of public review is to identify potential issues and to afford the Lead Agency a chance to make minor corrections. Only if the revisions result in the identification of one or more new impacts that cannot be mitigated is recirculation of the SEIR required. In this case, using the correct ambient noise levels and accounting for topography results in an increase in noise levels of only 0.7 dBA, which is far below the 2.4 dBA that is disclosed in the SEIR. Therefore, staff continues to recommend that the Board of Supervisors certify the SEIR on the basis that the proposed SWFP revision would not cause any additional impacts above what was already identified and fully mitigated for in the Expansion EIR.

Consistency with Riverside County General Plan, Zoning, and Other Applicable Environmental Plans or Policies

The El Sobrante Landfill is partially within both the Lake Mathews/Woodcrest and Temescal Canyon Area Plans, which designate the El Sobrante Landfill site as Public Facility (PF) and Open Space-Conservation Habitat (OS-CH) land uses. The PF land use designation policies specifically allow landfill operations and protect landfills from encroachment of incompatible land uses.

The majority of the site is zoned Residential Agricultural-10 acre minimum (R-A-10), along with small portions zoned Rural Residential (R-R) and Light Agriculture - one acre minimum (A-1-1). However, as a "public project" under the provisions of Section 18.2.a.b.(1) of the Riverside County Land Use Ordinance No. 348, the proposed project is not subject to zoning requirements.

Other environmental plans or policies that apply to the El Sobrante Landfill and proposed project include the El Sobrante Multiple Species Habitat Conservation Plan (MSHCP) and the Riverside Countywide Integrated Waste Management Plan (CIWMP). In July 2001, USA Waste prepared a MSHCP for the El Sobrante Landfill. Preparation of the El Sobrante MSHCP was required pursuant to mitigation measures imposed on the landfill as part of the Expansion EIR. The MSHCP permits certain activities to occur on-site, including all waste management activities associated with landfill operations, and the implementation of certain El Sobrante MSHCP conservation measures. The proposed SWFP revision project will not result in any new disturbance nor will it impede with any conservation measure established within the MSCHP. As such, the proposed SWFP revision project is also consistent with the western Riverside County MSHCP.

The El Sobrante Landfill is consistent with the goals and policies of the CIWMP. The goals of the Siting Element of the CIWMP address the need for providing long-term disposal capacity and economically and environmentally safe operation of the landfill system. The proposed revisions to the SWFP ensure that the landfill site will continue to provide long-term disposal capacity to meet the needs of County residents.

Resolution 2009-093

Exhibit A
Mitigation Monitoring Program

2
3 **RESOLUTION NO. 2009-093**

4 **APPROVING THE EL SOBRANTE LANDFILL SOLID WASTE**
5 **FACILITY PERMIT PROJECT AND CERTIFYING**
6 **A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**
7 **AND ADOPTING A MITIGATION MONITORING PROGRAM**

8 **WHEREAS**, the El Sobrante Landfill is an existing Class III nonhazardous, municipal solid waste
9 disposal facility in western Riverside County, roughly seven miles southeast of the City of Corona and
10 two miles south of Lake Mathews; and

11 **WHEREAS**, the El Sobrante landfill is owned and operated by USA Waste of California, Inc.
12 ("USA Waste") as a public-private partnership with the County of Riverside, and the landfill is a public
13 project providing an essential public service; and

14 **WHEREAS**, on September 1, 1998, the Riverside County Board of Supervisors adopted
15 Resolution No. 98-275 and 98-276, certifying an Environmental Impact Report EIR ("EIR," State
16 Clearinghouse No. 1990020076, herein referred to as "Expansion EIR"), and approving both the El
17 Sobrante Landfill Expansion Project and the Second El Sobrante Landfill Agreement.

18 **WHEREAS**, approval of the Second El Sobrante Landfill Agreement allowed for an expansion of
19 the landfill to a total of 1,322 acres, expanded the overall waste disposal capacity of the landfill from
20 approximately eight (8) million tons to approximately 108 million tons, increased the maximum daily
21 tonnage from 4,000 tons per day ("tpd") to 10,000 tpd, and permitted waste disposal operations to occur
22 from 4:00AM to 12:00 Midnight seven days per week except on designated County holidays; and

23 **WHEREAS**, on July 1, 2003, the First Amendment to the Second El Sobrante Landfill Agreement
24 was approved by the County Board of Supervisors. A Notice of Exemption was filed with the County
25 Clerk on July 1, 2003; and

26 **WHEREAS**, on October 27, 2003, the County Board of Supervisors approved an Addendum to
27 the Expansion EIR in order to modify the Solid Waste Facility Permit ("SWFP") and the El Sobrante
28 Landfill Joint Technical Document ("JTD") to identify an 'operating day' for the landfill and to establish

FORM APPROVED COUNTY COUNSEL
BY: MICHELLE CLACK
DATE: 1/15/09

1 protocol for the application of daily cover and/or alternative daily cover; and,

2 **WHEREAS**, in October 7, 2003, the Board of Supervisors adopted Resolution Nos. 2003-487 and
3 2003-488 approving the Riverside County Integrated Project General Plan Amendment (the "General Plan
4 Amendment") and certifying General Plan Final Program Environmental Impact Report No. 441; and

5 **WHEREAS**, the approved General Plan Amendment incorporated the El Sobrante Landfill as a
6 Public Facility; and

7 **WHEREAS**, USA Waste is seeking to revise the El Sobrante Landfill Solid Waste Facility Permit
8 No. 33-AA-0217 ("Project"), pursuant to the Second Amendment to the Second Agreement, approved by
9 the Riverside County Board of Supervisors on March 13, 2007; and

10 **WHEREAS**, a Notice of Exemption was filed with the County Clerk for the Second Amendment
11 to the Second El Sobrante Landfill Agreement on March 23, 2007; and

12 **WHEREAS**, in evaluating the Project, the County prepared an initial study and concluded that
13 changes have occurred with respect to the circumstances under which the Project is being undertaken
14 since the certification of the Expansion EIR and subsequent Addenda, which will require minor revisions
15 to the Expansion EIR. New information, which was not known and could not have been known at the
16 time the Expansion EIR and subsequent Addenda were certified as complete, has since become available.
17 As a result, the Riverside County Waste Management Department has caused a Supplemental
18 Environmental Impact Report ("SEIR") to be prepared pursuant to Public Resources Code §21166¹; and

19 **WHEREAS**, on August 9, 2007, the County prepared and distributed a Notice of Preparation of
20 the SEIR as required by law and posted the same for thirty (30) days in the Office of the County Clerk;
21 and

22 **WHEREAS**, On December 22, 2008, the County prepared and distributed a Notice of Completion
23 of the Draft SEIR and notified the public that the Draft SEIR was available for public review. The public
24 review period ran from December 22, 2008 to February 4, 2009; and

25 **WHEREAS**, all procedures of the California Environmental Quality Act and Riverside County
26 CEQA implementing procedures have been satisfied, and SEIR State Clearinghouse No. 2007081054, has
27

28 ¹ As such, the Expansion EIR and EIR No. 441 are incorporated herein by this reference.

1 been prepared in connection with the Project is sufficiently detailed so that all of the potentially
2 significant effects of the project on the environment and measures necessary to avoid or substantially
3 lessen such effects have been evaluated in accordance with the above-referenced Act and Procedure; and

4 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
5 public and affected government agencies; now, therefore,

6 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors
7 of the County of Riverside, in regular session assembled on March 31, 2009 that:

8 A. The Project will accommodate the following changes in operational characteristics at the
9 landfill:

- 10 1. Extend the number of hours waste can be accepted by four (4) hours to
11 include the hours of 12:00 Midnight to 4:00 AM, thereby allowing
12 acceptance of waste material over a continuous 24-hour period; and
- 13 2. Change the maximum tonnage limit of 10,000 tons per day, 7 days a week,
14 to a weekly tonnage limit of 70,000 tons per week, with no net increase in
15 the amount of waste acceptance allowed on a weekly basis.

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the following environmental
17 impacts associated with the Project are potentially significant unless otherwise indicated, but each of these
18 impacts will be avoided or substantially lessened by the identified mitigation measures:

19 A. Aesthetics

20 1. Impacts.

21 The Project proposes no changes to any operational conditions at the
22 landfill which could adversely affect views from a scenic vista or highway.
23 There will be no impact related to scenic highways and vistas.

24 The Project will not involve changes to the lateral or vertical expansion of
25 the landfill and no new buildings will be constructed which could produce
26 adverse aesthetic conditions. There will be no impact related to negative
27 aesthetic effects.

28 The Project will result in the creation of new sources of night lighting

1 associated with the addition of waste delivery vehicles to surrounding
2 roadways during the hours of Midnight to 4:00AM. While the addition of
3 *headlights to surrounding* roadways during these hours has the potential to
4 create significant impacts to nearby light-sensitive uses, including existing
5 residential uses, the analysis in the SEIR demonstrates that no existing
6 light-sensitive use will be impacted by headlights from waste delivery
7 vehicles during the extended hours of waste acceptance. There will be no
8 impact related to new sources of night lighting or glare.

9 2. Mitigation.

10 No mitigation is required beyond the mitigation measures identified by the
11 Expansion EIR, which will remain in effect with approval of the Project.

12 B. Air Quality

13 1. Impacts.

14 The Project proposes to extend the hours of waste delivery by a period of
15 four (4) hours per day and to change the daily tonnage limit of 10,000 tpd to
16 a weekly tonnage limit of 70,000 tpd. An analysis of the changes proposed
17 as part of the Project was provided in the SEIR which determined that
18 approval of the proposed Project will result in emissions of VOCs, NO_x,
19 CO, SO_x, PM₁₀, and PM_{2.5} which are below the Regional and Localized
20 Significance Thresholds established by the South Coast Air Quality
21 Management District ("SCAQMD"). Measures to reduce air quality
22 emissions from the site were previously identified as part of the Expansion
23 EIR, and will continue to be enforced with approval of the proposed
24 Project. There will be no impact due to a violation of air quality standards
25 or contribution to an existing or projected air quality violation.

26 The Expansion EIR found that with the incorporation of Toxics Best
27 Available Control Technology ("T-BACT"), as was imposed as required
28 mitigation, health risks associated with Toxic Air Contaminants

1 ("TACs") were estimated to be less than one in one million people, which is
2 below the ten in one million determined to be significant pursuant to
3 SCAQMD Rule 1401. Since certification of the Expansion EIR,
4 approximately 70% of the El Sobrante Landfill's heavy equipment fleet has
5 been upgraded and close to two-thirds of the equipment now meets Tier II
6 or Tier III emission standards set by the SCAQMD, which further reduces
7 the potential for TACs associated with the landfill. Although
8 implementation of the proposed Project will result in a minor increase in the
9 amount of diesel-fired particulate exhaust, total diesel exhaust emissions
10 from the landfill will be less than what was previously evaluated and
11 disclosed in the Expansion EIR. There will be no impact due to the
12 exposure of sensitive receptors to substantial air pollution.

13 Following implementation of the Project, activities will occur on the site
14 that will release greenhouse gas emissions to the Earth's atmosphere,
15 namely CO₂, CH₄, and N₂O. There are no published thresholds of
16 significance for measuring the impact of global climate change on or from
17 an individual development project. The Project already is subject to a
18 number of mitigation measures and regulatory requirements which were
19 enacted to minimize emissions from the site (refer to Mitigation Measures
20 AQ-1 through AQ-14 of the Expansion EIR), and will be subject to
21 regulatory requirements enacted by the California Integrated Waste
22 Management Board ("CIWMB") to reduce greenhouse gas emissions
23 associated with landfill operations. In addition, the Project does not
24 propose any substantial changes to on-site operations which will produce
25 cumulatively considerable volumes of greenhouse gases. There will be no
26 cumulatively significant impact due to the Project's greenhouse gas
27 emissions.

28 The Expansion EIR evaluated odors at the El Sobrante Landfill site and

1 concluded that with the incorporation of the mitigation measures provided
2 within the MMP relative to landfill gas collection, impacts will be less than
3 significant. The Project will not increase the amount of waste accepted by
4 the landfill on a weekly basis. No impacts due to odors will result from the
5 Project.

6 The Project is consistent with the land uses designated within the current
7 Riverside County General Plan, which forms the basis of regional planning
8 by the SCAQMD in conformance with the State Implementation Plan.
9 There will be no impact due to its consistency with the Air Quality
10 Management Plan.

11 2. Mitigation.

12 No mitigation is required beyond the mitigation measures identified by the
13 Expansion EIR, which will remain in effect with approval of the Project.

14 C. Noise

15 1. Impacts.

16 The Project will have a less than significant impact due to increases in noise
17 levels. Based on the findings contained in the Final SEIR, it was
18 determined that landfill operations during the extended hours of waste
19 acceptance would produce combined noise level increases of only 0.7 dBA
20 Leq at the nearest sensitive receptor. A noise level increase of less than 3.0
21 dBA Leq is not considered to be perceptible to the receiver. Impacts will
22 be less than significant because the Project will not result in a substantial
23 increase in noise levels, and will not expose sensitive receptors to severe
24 noise levels.

25 2. Mitigation.

26 No mitigation is required beyond the mitigation measures identified by the
27 Expansion EIR, which will remain in effect with approval of the Project.

28 D. Public Health and Safety

1 1. Impacts.

2 With continued enforcement of the mitigation measures from the Expansion
3 EIR, impacts will be less than significant.

4 Although the Project will result in a slight increase in the number of
5 employees on-site, safety operations and procedures are identified in the
6 JTD for the landfill and will continue to be enforced with approval of the
7 Project. In addition, mitigation measures identified by the Expansion EIR,
8 which also will continue to be enforced, include measures to reduce hazards
9 associated with litter and vector problems. The Project will not result in the
10 creation of any new health nuisances or potential health hazards, and
11 impacts will be less than significant.

12 The Project will not interfere with any emergency response plans or
13 emergency evacuation plans because the Project does not propose changes
14 in the operational characteristics at the landfill which could result in an
15 increased risk of accidental explosion or release of hazardous substances, as
16 a result, no impacts will occur.

17 The Project does not involve changes to the operating characteristics at the
18 landfill and; therefore, will not result in an increased fire hazard. No
19 impacts due to fire hazards will occur with Project approval.

20 2. Mitigation.

21 No mitigation is required beyond the mitigation measures identified by the
22 Expansion EIR, which will remain in effect with approval of the Project.

23 E. Transportation and Traffic

24 1. Impacts.

25 No net change in the total average daily traffic is proposed by the Project,
26 as the landfill will continue to be restricted to a total of 1,305 trips per day.
27 Due to the increase in the number of hours during which waste may be
28 accepted at the landfill, implementation of the proposed Project will

1 result in a reduction in the number of AM peak hour trips from 190 trips
2 under existing conditions to 144 trips, while PM peak trips will remain at
3 approximately 200 trips with approval of the Project. Because total daily
4 trips will remain capped at 1,305, there will be no substantial increase in
5 vehicle trips as a result of the Project. Project implementation will result in
6 a slight reduction in traffic congestion during the AM peak hour, and will
7 result in no changes to traffic conditions during the PM peak hour. No
8 physical improvements to any roadways are proposed as part of the Project,
9 and as such there will be no increased safety hazards associated with design
10 features or incompatible uses. The landfill already supports adequate
11 emergency access routes, and will result in no change to parking capacity or
12 demand. No aspect of the Project will create hazards or barriers for
13 pedestrians or bicycles, and no conflicts with adopted policies supporting
14 alternative transportation will occur. Additionally, the Project will not
15 interfere with rail, waterborne, or air traffic. As such, implementation of
16 the Project will not result in any new impacts to Transportation and
17 Circulation beyond what was studied and mitigated for by the Expansion
18 EIR. Mitigation measures from the Expansion EIR that will continue to be
19 enforced upon Project approval are identified in SEIR Table S-1.

20 2. Mitigation.

21 No mitigation is required beyond the mitigation measures identified by the
22 Expansion EIR, which will remain in effect with approval of the Project.

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has considered the following
24 alternative identified in the EIR in light of the environmental impacts which cannot be fully mitigated,
25 avoided or substantially lessened and has rejected those alternative as infeasible for the reasons
26 hereinafter stated:

27 A. No Project Alternative

28 1. Under Section 15126.6(e)(2) of the CEQA Guidelines, the "No

1 Project" Alternative should consider what would be reasonably expected to
2 occur in the foreseeable future if the proposed Project were not approved,
3 based upon the site's existing zoning, General Plan designation, and ability
4 to be served with available community services. The No Project Alternative
5 assumes that the El Sobrante Landfill site would continue to operate under
6 its existing SWFP No. 33-AA-0217. As such, the El Sobrante Landfill
7 would continue to operate on a 24-hour basis, would receive waste only
8 between the hours of 4:00AM and 12:00 Midnight, and would be held to a
9 daily maximum disposal capacity of 10,000 tons. Operations under the
10 existing SWFP No. 33-AA-0217 reflect the most realistic result if the
11 proposed Project is not approved.

12 2. The No Project Alternative will fail to meet the Project's stated objectives
13 to provide greater flexibility in landfill operations to meet the disposal
14 needs of the regional solid waste system, to increase operational efficiencies
15 in anticipation of meeting future waste disposal needs, and to improve solid
16 waste management services to southern California customers. Under the
17 No Project Alternative, deliveries to the El Sobrante Landfill would
18 continue to be restricted by the permitted hours of waste acceptance, which
19 would require delivery vehicles to utilize surrounding roadways and
20 mainlines more frequently during peak hours. Such restrictions have the
21 effect of reducing the number of waste deliveries that can be accommodated
22 on a daily basis, thereby inhibiting the ability of the landfill to meet the
23 disposal needs of the regional solid waste system and increase operational
24 efficiencies to the benefit of southern California customers.

25 3. The No Project Alternative will fail to meet the Project's objective to reduce
26 the current and future amount of daily peak hour vehicles associated with
27 the landfill. Approval of the No Project Alternative will result in an
28 increase of AM peak hour traffic volumes by approximately 46 trips as

1 compared to the proposed Project. There will be no net change to PM peak
2 hour trips under the No Project Alternative.

3 **B. Alternative Sites**

- 4 1. CEQA Guidelines Section 15126.6(f)(2) requires that an EIR identify
5 alternatives to the project, but does not expressly require that it discuss
6 alternative locations for the Project.
- 7 2. The Project consists of proposed changes to the operational characteristics
8 at the El Sobrante Landfill, which is an existing facility in a fixed location.
9 Due to the fact that the El Sobrante Landfill has been operational since
10 1986, there are no feasible alternative locations that would serve to reduce
11 Project impacts. Implementation of the Project on an alternative site would
12 necessarily require a greater level of impacts to the environment.

13 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the State CEQA Guidelines
14 (Section 15126 (g)) require an EIR to discuss how a proposed project could directly or indirectly lead to
15 economic, population, or housing growth. A Project may be growth-inducing if it removes obstacles to
16 growth, taxes community service facilities or encourages other activities which cause significant
17 environmental effects. The discussion is as follows:

18 **A. Economic, Population, or Housing Growth**

19 The proposed Project will not laterally or vertically expand the El Sobrante Landfill
20 site and no new construction will occur beyond what is already permitted under
21 SWFP No. 33-AA-0217. The Project is merely a response to existing population
22 growth and solid waste generation and management trends. The Project will not
23 encourage future development in the surrounding areas because no increase in the
24 weekly permitted tonnage is proposed. Moreover, landfill facilities generally are
25 not a land use type that will result in the attraction of new residents or businesses to
26 the area. Therefore, the Project will have no effect on economic, population, or
27 housing growth in the area beyond what was identified by the Expansion EIR.

28 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Project will

1 implement applicable elements of the Riverside County General Plan as follows:

2 A. Land Use Element

3 Continued operation of the Project site as a regional landfill is consistent with
4 Riverside County's zoning designations of "Residential Agriculture – 10 acre
5 minimum (R-A-10)," Rural Residential (R-R)," and "Light Agriculture – one acre
6 minimum (A-1-1)" zoning designations. As an essential public facility, landfills
7 are a permitted use in each of these zoning classifications. The Project is therefore
8 consistent with the Land Use Element in that the property would be operated in
9 accordance with the Community Development Foundation Component land use
10 designations applied to the site by the General Plan, and in accordance with the
11 Public Facilities land use designations applied to the site by the Temescal Canyon
12 and Lake Mathews/Woodcrest Area Plans.

13 B. Circulation Element

14 The Project involves no construction of new facilities and no expansion in the
15 amount of waste delivered to the landfill on a weekly basis. Vehicle trips to and
16 from the landfill site will continue to be limited to 1,305 trips per day, as specified
17 by the current SWFP No. 33-AA-0217. No new construction is proposed as part of
18 the Project. As such, the Project will not conflict with the Circulation Plan
19 identified for the Lake Mathews/Woodcrest Area Plan and the Temescal Canyon
20 Area Plan. In addition, implementation of the Project will have a net reduction in
21 vehicle trips during the AM peak hour, and will result in no change in the amount
22 of traffic during the PM peak hour. As such, implementation of the Project will
23 not degrade the level of service of any intersection or roadway segment. The
24 Project also is consistent with the General Plan Land Use Plan, and is thereby
25 consistent with the traffic volumes envisioned by the General Plan Land Use Plan.
26 There are no roadway or intersection improvements directly attributable to the
27 Project.

28 The General Plan identifies a Community Trail traversing through the landfill

1 site. It is anticipated that this trail segment designation is intended to show the
2 ultimate alignment for this trail facility since the El Sobrante Landfill site was in
3 full operation at the time the General Plan was adopted in 2003. Once the landfill
4 site has achieved its design capacity, the community trail segment could be
5 accommodated on site. Implementation of the Project will not affect the viability
6 of this trail segment through the Project site.

7 C. Multipurpose Open Space Element

8 The Project site is not identified for open space preservation by the General Plan,
9 and is consistent with the requirements included within the Western Riverside
10 County MSHCP. A MSHCP for the El Sobrante Landfill was approved by the
11 U.S. Fish and Wildlife Service, the California Department of Fish and Game, USA
12 Waste, and Riverside County in July 2001. The MSHCP covers the duration of
13 waste management activities (including post-closure activities for the landfill) and
14 continued management of conserved habitat. Open space areas preserved pursuant
15 to the El Sobrante MSHCP encompasses approximately 677 acre of undisturbed
16 open space which abut the landfill areas. The El Sobrante MSHCP provides take
17 authority for incidental take of two federally and/or state listed species, in addition
18 to 29 species that may be listed in the future. The El Sobrante MSHCP also
19 provides for the restoration of Riversidean sage scrub as a component of landfill
20 closure, and to establish measures and components *that constitute the multi-species*
21 *restoration plan, the salvage-enhancement plan for many-stemmed dudleya, the*
22 *implementation plan for habitat mitigation, the predatory monitoring and control*
23 *plan, and the gnatcatcher and cactus wren measures required pursuant to the*
24 *Expansion EIR. The landfill site is designated by the State Farmland Mapping and*
25 *Monitoring Program ("FMMP") as containing Grazing Land, which is not a*
26 *farmland designation of concern for conversion to a non-agricultural land use.*
27 *Impacts to archaeological and paleontological resources were evaluated in the*
28 *Expansion EIR and mitigation measures were imposed to reduce*

1 identified impacts to a level below significant. Mitigation measures pertaining to
2 cultural resources will continue to be enforced with approval of the proposed
3 Project. Additionally, the Project site is not located within or adjacent to any
4 identified scenic corridors nor is it mapped within a valuable mineral resource area.

5 D. Safety Element

6 The Project proposes no new construction of any facilities, and involves no lateral
7 or vertical expansion of the landfill. Seismic and geologic hazards were evaluated
8 in the Expansion EIR and were determined to be less than significant with the
9 incorporation of mitigation measures that will continue to be enforced upon Project
10 approval. The subject property is not identified as being located within areas of the
11 County that are subject to flood or dam inundation hazards, and the risk of
12 tsunamis is considered extremely remote due to the distance from the Pacific
13 Ocean. Fire hazards are addressed in the SEIR, which concludes that existing
14 measures in place at the landfill, and as required by mitigation pursuant to the
15 Expansion EIR, are sufficient to protect the public and employees at the landfill.
16 Issues related to hazardous waste also were evaluated and mitigated for by the
17 Expansion EIR, and no new impacts are anticipated with implementation of the
18 Project. The Project site also is not identified in any emergency response or
19 evacuation plans, and will not result in increased demand for fire protection
20 services.

21 E. Noise Element

22 As indicated in Section 4.3 of the SEIR, impacts to noise resulting from Project
23 approval were determined to be less than significant.

24 F. Housing Element

25 The General Plan Land Use designation for the Project site is "Public Facilities."
26 Existing landfill operations and the proposed Project both are consistent with this
27 land use designation. The site does not currently contain housing, is not designated
28 by the General Plan to provide housing, and the Project does not propose

1 housing; therefore, the Housing Element is not applicable to the Project site. The
2 Project will not displace any existing housing because no housing units are located
3 on the property. The Project also will not disrupt or divide any established
4 community because the site already is operated as a landfill, and construction of the
5 landfill did not result in the physical division of any established communities.

6 G. Air Quality Element

7 As disclosed in Section 4.2 of the SEIR, mitigation measures for air quality impacts
8 associated with landfill operations were identified as part of the Expansion EIR,
9 and those mitigation measures will continue to be enforced with Project approval.
10 In addition, implementation of the Project would not result in any new impacts to
11 air quality beyond what was evaluated and mitigated for by the Expansion EIR.

12 H. Administration Element

13 The Administration Element contains information regarding the structure of the
14 General Plan as well as general planning principles and a statement regarding the
15 vision for Riverside County. No policy directives are included in this Element.

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Project is in conformance
17 with the conservation requirements of the El Sobrante Multiple Species Conservation Plan (MSHCP).
18 The Project does not propose any vertical or lateral expansions to the landfill and landfill activities will
19 continue to occur only within areas of the site that are identified for such activities by the El Sobrante
20 MSHCP. Areas proposed for conservation by the El Sobrante MSHCP will continue to be conserved as
21 natural open space, and mitigation measures from the Expansion EIR pertaining to indirect impacts to
22 adjacent open space areas will continue to be enforced with Project approval.

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the above recitals are true and
24 correct.

25 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has reviewed and considered
26 the SEIR in evaluating the Project, that the SEIR is an accurate and objective statement that complies with
27 the California Environmental Quality Act and reflects the County's independent judgment, and that the
28 SEIR is incorporated herein by this reference.

1 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it **CERTIFIES** the SEIR and
2 **ADOPTS** the *Mitigation Monitoring Program (MMP) attached as Exhibit A* to this Resolution, and the
3 MMP is incorporated herein by this reference.

4 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of the Project shall be
5 placed on file in the Clerk of the Board, in the Office of the Department of Environmental Health, and in
6 the Office of the Waste Management Department, and that no applications for other development
7 approvals shall be accepted for real property described and shown in the Project, unless such applications
8 are substantially in accordance herewith.

9 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it the Project, including
10 conditions of approval and exhibits, is hereby **APPROVED** and authorizes USA Waste to proceed with
11 the Project in the manner described in the Second Amendment to the Second El Sobrante Landfill
12 Agreement

13 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the
14 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County
15 Waste Management Department and that such documents are located at 4080 Lemon Street, Riverside,
16 California, and at *14310 Frederick Street, Moreno Valley, California, respectively.*

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