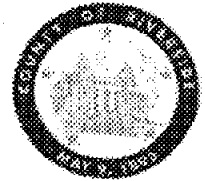


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

255-



**FROM:** Riverside County Waste Management Department (RCWMD)

**SUBMITTAL DATE:**  
January 12, 2011

**SUBJECT:** Badlands Landfill Solid Waste Facility Permit (SWFP) Revision Project

**RECOMMENDED MOTION:** That the Board consider the Mitigated Negative Declaration (MND) for Environmental Assessment (EA) "Badlands 2010-01" together with the public comments and:

1. **Finds** on the basis of the whole record that there is no substantial evidence that the Badlands Landfill Solid Waste Facility Permit (SWFP) Revision Project ("Project") will have a significant effect on the environment, and that the MND reflects the County's independent judgment and analysis and;
2. **Adopts** the MND for EA "Badlands 2010-01" as revised in response to public comments, based upon the findings in the Initial Study and;
3. **Adopts** the Mitigation Monitoring Program (MMP) for E.A. "Badlands 2010-01" and;
4. **Approves** the Project for the Badlands Landfill and;
5. **Directs** Riverside County Waste Management Department, 14310 Frederick Street, Moreno Valley, CA 92553, to act as custodian of the documents which constitute the record of proceedings upon which this decision is based.

**BACKGROUND:** The Badlands Landfill is currently operating under Solid Waste Facility Permit (SWFP) No. 33-AA-006, issued by the Local Enforcement Agency (LEA) of the Riverside County Environmental Health Department on November 29, 2005. (continued)

Hans W. Kernkamp, General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:2010-2011	

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

**C.E.O. RECOMMENDATION:** **APPROVE**  
BY   
**Alex Gann**  
**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY   
LISA R. MCKENNA  
DATE 1/15/11  
Departmental Concurrence

Dept't Recomm.:  Policy  Policy  
Per Exec. Ofc.:  Consent  Consent

Prev. Agn. Ref.: 12.4 (5/24/05) | District: 5 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**12.1**

The 2005 SWFP covers an active landfill area (a.k.a. Permitted Landfill Area, PLA) of 246 acres, comprised of 150 acres designated for refuse disposal, 40 acres of stockpiled cover material, approximately 12 acres for the construction and operation of a permanent sedimentation basin, approximately 5 acres for future development of a Waste Recycling Park, and the remaining 39 acres for ancillary facilities and activities, interior roads, public road right-of-way, and maintenance of cut/fill slopes and drainage structures. The current SWFP allows a maximum daily landfill traffic volume of 612 vehicles and the receipt of a maximum volume of 4,000 tons per day (tpd) of non-hazardous municipal solid waste (MSW) between 4:00 a.m. and 8:00 p.m., Monday through Saturday, and maintenance/ancillary activities to occur 24 hours/day, 7 days/week.

Ancillary facilities at the landfill site currently include, but are not limited to: truck scales, a fee collection booth, a mechanics pad, a designated metallic recycling area, fuel storage, an office building, a box car, a gas to energy conversion facility, and a temporary hazardous waste storage area.

The Badlands Landfill's service area is generally considered to include the City of Moreno Valley and surrounding cities and unincorporated communities. Since closure of the Edom Hill Landfill in December 2004, the Badlands Landfill has also been receiving a portion of the Coachella Valley wastestream.

**PROJECT DESCRIPTION:** The proposed Project will not change the current permitted daily capacity, composition of the wastestream, or permitted daily landfill traffic volume, but would revise the SWFP to permit the following changes to the operation of the Badlands Landfill:

- Establish an approximate 37-acre soil stockpiling area on the western border of the landfill property for long term storage of approximately 1.75 million cubic yards of clean soil in two (2) engineered fills/stockpiles.
- Realign a portion of an existing dirt access road to improve safety for equipment travel to the existing sedimentation basin.
- Update the PLA to accommodate the proposed soil stockpiling area and access road re-alignment, and minor adjustments to the grading limit of the existing PLA, resulting in a new configuration and an increase in acreage from 246 acres to 278 acres.
- Relocate the planned and assessed, but not yet built, Waste Recycling Park (WRP) site from its original location adjacent to Ironwood Avenue, southwest of the fee booth, to the top deck of Stockpile 1.

The Project is to achieve the following main objectives:

- (1) Provide long term storage of clean soil that is to be excavated from an upcoming liner construction phase, or Canyon 4 Phase 3 (C4P3) liner construction phase, within the currently permitted 150-acre footprint;
- (2) Prepare the existing 40-acre borrow area in Canyon 6 for future landfill operation by relocating the remaining stockpiled clean dirt in it to the Project site for long-term storage; and
- (3) Provide new space for development of landfill ancillary facilities, including but not limited to, the planned WRP and future field offices on top of the two (2) stockpiles.

## ENVIRONMENTAL ANALYSIS:

The RCWMD prepared EA "Badlands 2010-01," which has incorporated by reference portions of EA 39813 (prepared in 2005 for the current landfill operation), to evaluate potential impacts associated with the proposed revision to the Badlands Landfill's SWFP, in accordance with the California Environmental Quality Act (CEQA) Guidelines (Section 15000 *et seq.*). Based on the Project EA and EA 39813, potential impacts may occur in the following areas: 1) Seismicity/Soil/Slopes; 2) Water Quality; 3) Air Quality; 4) Biological Resources; 5) Public Health and Safety; 6) Noise; 7) Public Services; 8) Cultural/Paleontological Resources; and 9) Greenhouse Gas Emissions. Each of the potential impacts, however, can be avoided or fully mitigated to below a level of significance with implementation of the mitigation measures identified in both EA's. A Mitigation Monitoring Program (MMP) for the Project, which requires adoption by the Board of Supervisors (Board), has been prepared to incorporate these mitigation measures (see attached). Pursuant to CEQA (*CEQA Guidelines Section 15063*), a MND, documenting this finding that the Project will not have any significant impacts, has also been prepared for adoption by the Board.

In accordance with CEQA, the Notice of Intent (NOI) to Adopt a MND and EA "Badlands 2010-01" were posted with the State Clearinghouse and County Clerk and transmitted to responsible agencies and interested parties for a 30-day public comment period. (see attached Transmittal List). A public notice advertising the public comment period was published in *The Press-Enterprise* (see attached proof of publication). All documents, including EA 39813, could be viewed at the RCWMD Headquarters in Moreno Valley and on the RCWMD's website ([www.rivcowm.org](http://www.rivcowm.org)). Lastly, copies of the NOI and EA "Badlands 2010-01" were made available to the public at the Moreno Valley City Library, Banning Library District, Beaumont Library District, Calimesa Branch Library, Perris Branch Library, and City of Riverside Main Library.

During the comment period for EA "Badlands 2010-01" that began on October 28, 2010 and ended on November 29, 2010, and as of the writing of this Form 11, the RCWMD received a total of seven (7) letters of comment from the following sources (see attached Letters of Comment): 1) *California Department of Resources Recycling and Recovery (CalRecycle)*; 2) *Santa Ana Regional Water Quality Control Board (SARWQCB)*; 3) *Department of Toxic Substances Control (DTSC)*; 4) *Riverside County Flood Control and Water Conservation District (Flood Control)*; 5) *Native American Heritage Commission (NAHC)*; 6) *Johnson & Sedlack Attorneys of Law*; and 7) *City of Moreno Valley*.

The RCWMD has reviewed the comments on the proposed MND to determine if the comments would result in a substantial revision to the MND, as defined in State *CEQA Guidelines* Section 15073.5. While *CEQA Guidelines* do not require the Lead Agency to prepare written responses to comments on the MND, the RCWMD has prepared written responses to all but the comments by SARWQCB and Flood Control, who did not have any substantive issues with the EA and Project (see attached Responses to Comments). All public comments and staff responses need the Board's consideration in its action to adopt the MND, pursuant to the *CEQA Guidelines*, §15074. The majority of the public comments received are benign; however, the comments by Johnson & Sedlack and NAHC have resulted in minor revisions to the MND, which are listed below for the Board's consideration:

To address a comment by Johnson & Sedlack, revise Mitigation Measure 1, Page 29, Section 3.2.5, Transportation/Circulation, to read as follows:

*"The project contractor shall be responsible for preparing and implementing a traffic safety plan for the dirt haul operation on Ironwood Avenue, subject to approval by the Riverside County Waste Management Department prior to construction. At a minimum, such plan should call for the use of the appropriate traffic safety signs and flagmen to ensure intersection traffic safety."*

To address a comment by Johnson & Sedlack, add Mitigation Measure 7, Page 37, Section 3.2.6, Air Quality, to read as follows:

*The liner construction and soil stockpiling contractor shall be required to employ a reasonable combination of feasible means to minimize equipment emissions, including, but are not limited to:*

- *Use of diesel equipment powered with Tier 2 or better engines that meets the highest NOx and particulate matters emission standards established in California Air Resources Board's (CARB) Title 13 SEC 2449, 2449.1, 2449.2, and 2449.3 Rule/Regulation, which was adopted on June 15, 2008. Contractor shall also provide the Riverside County Waste Management Department with a current copy of their certificate of reported compliance issued by CARB;*
- *Use of alternative diesel fuel(s) for the soil-hauling vehicles to the extent practical;*
- *Use of electrical conveyor system to complement diesel powered hauling equipment;*
- *Maximize soil load density by means of precision and compaction loading;*
- *Use of innovative, energy-efficient soil excavation method(s) other than the traditional surface stripping with scrapers;*
- *Implement proper traffic controls to avoid queuing of hauling equipments on the haul route and strive for non-stop soil-hauling equipment/vehicle traffic; and*
- *Enforcement of the State's 5-minute engine idling standard to all hauling equipment and vehicles.*

To address a comment by Johnson & Sedlack, add Mitigation Measure 8, Page 37, Section 3.2.6, Air Quality, to read as follows:

*At the entrance to the landfill facility, post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall be responsible and have the authority to respond and take corrective action(s) within 24 hours.*

To address a comment by Johnson & Sedlack, add Mitigation Measure 1, Page 55, Section 3.2.8, Energy & Mineral Resources, to read as follows:

*The liner and soil stockpiling contractor shall be required to enforce the State's 5-minute engine idling standard to all hauling equipment and vehicles utilized for the Project.*

To address a comment by Johnson & Sedlack, revise Mitigation Measure 5, Page 63, Section 3.2.14, Paleontological/Cultural Resources, to read as follows:

*The Riverside County Waste Management Department shall designate repositories in the event that significant resources are recovered. Archaeological monitoring for*



*ground disturbing activities thereafter to the completion of the Project should be performed, if required by the qualified archaeologist who has evaluated and processed the recovered significant resources.*

To address a comment by the NAHC, revise Mitigation Measure 7, Page 63, Section 3.2.14, Paleontological/Cultural Resources, to read as follows:

*If human remains are determined to be of Native American descent, the coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours for identification of the Most Likely Descendent of the deceased Native American and to ensure the appropriate and dignified treatment of the human remains and any associated grave liens.*

To address a comment by the NAHC, add Mitigation Measure 8, Page 63, Section 3.2.14, Paleontological/Cultural Resources, to read as follows:

*The Riverside County Waste Management Department shall consult with the Native American tribes as having affiliation with the Project region, upon identification of significant Native American cultural resources during Project implementation.*

The above added and revised mitigation measures are to clarify or amplify mitigation for impacts that have already been identified and analyzed in the EA, and so recirculation is not warranted per CEQA Guidelines §15073.5 (c) (2) through (c)(4). Staff continues to recommend that the Board adopt the MND, as revised, on the basis that potential Project impacts can be avoided or mitigated through implementation of the Mitigation Monitoring Program (attached).

The U.S Department of the Army, Corps of Engineers (USACE) reviewed the EA and conducted a Jurisdictional Determination Review for the project that included a field trip to the Badlands Landfill and downstream locations on September 30, 2010. The USACE determined that there are no Waters of the United States on the project site (approval letter attached). As a result, a federal Clean Water Act Section 404 Permit is not required of the Project.

## **CONSISTENCY WITH GENERAL PLAN AND ZONING ORDINANCE**

The Badlands Landfill falls under the Community Development Foundation Component of the current County General Plan. Specifically, the majority of the landfill site is designated as a "Public Facility" (PF) under the Community Development Foundation Component, which allows land uses that are to provide essential services to the County. The Public Facility Area Plan Land Use Designation policies specifically allow landfill operations and call for protection of landfills from encroachment of incompatible land uses. The remaining 75.1 acres of the landfill property, which encompass the bulk of the Project area, was acquired in 2003, after the current General Plan was approved, and is designated Open Space-Conservation Habitat, OS-CH. The Riverside County Planning Department is in the process of updating the General Plan, whereby the entire 1,168.3 acres of the Badlands Landfill property will be designed PF. The proposed change of land use designation from OS-CH to PF for the Project portion of the Badlands Landfill property was considered and accepted by the General Plan Advisory Committee on June 18, 2009. The General Plan Update is expected to be adopted by the end of 2011. As a result, the landfill will have a uniform land use designation that completely accommodates the proposed SWFP revisions. Further, the Project has demonstrated, in its design and planning to minimize the "edge effects" on adjacent conservation land and impacts to on-site habitats of

criteria species, consistency with the applicable requirements of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), as concluded in the Joint Project Review (JPR) issued in July 2010 by the Regional Conservation Authority (RCA) of Western Riverside County. This implies that the Project will not adversely impact habitat conservation under the MSHCP, and therefore, the Project is not inconsistent with the "conservation habitat" intent of the OS-CH land use designation. The Badlands Landfill is a public facility, which provides the essential solid waste disposal capacity to the County and its cities. It is predominately surrounded by open space, which is compatible with the landfill. In conclusion, the Badlands Landfill is consistent with the objectives and policies of the General Plan's Foundation Component and land use designations.

The landfill site and majority of the surrounding vacant property are zoned W-2, or Controlled Development. Per Riverside County Land Use and Zoning Ordinance No. 348, the W-2 zoning classification identifies "Disposal Service Operations" as being conditionally permitted within this zone. In addition, the Badlands Landfill is a public facility, and therefore, exempted from the provisions of Ordinance No. 348, in accordance with Section 18.2 of the ordinance,

#### **CONSISTENCY WITH THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN**

The Project is consistent with the goals and policies of the Countywide Integrated Waste Management Plan (CIWMP), which are to provide for the long term waste disposal needs of Riverside County and its cities, help protect public health and safety of residents by providing for the safe disposal of solid waste at existing County landfills, and preserve landfill capacity by means of waste diversion via reuse, recycling, and composting. The Project demonstrates consistency with the CIWMP in its design to enhance the efficiency of Badlands Landfill operation by creating much needed space for waste diversion and hazardous waste management operations, and other ancillary facilities while addressing the need of future landfill capacity development for additional soil storage capacity. The results would be preserving landfill capacity, minimizing inadvertent disposal of hazardous waste at the landfill, and assisting the jurisdictions in meeting the State-mandated diversion goals.

#### **CONSISTENCY WITH THE WESTERN RIVERSIDE MULTIPLE SPECIES HABITAT CONSERVATION PLAN**

Since the bulk of the Project area falls within a Criteria Area of the MSHCP, a JPR was performed by the RCA to determine Project consistency with the MSHCP Criteria requirements. The RCA conducted a JPR for the Project in July 2010 and forwarded it to the resources agencies of the MSHCP for comment. The JPR concluded that (herein quoted in verbatim) *the proposed project is a Covered Activity and demonstrates consistency with the other requirements of the Multiple Species Habitat Conservation Plan (MSHCP)*. The JPR was also incorporated into EA "Badlands 2010-01" as Appendix A.

# **Mitigation Monitoring Program**

**For**

**Badlands Landfill  
Solid Waste Facility Permit (SWFP) Revision  
(Environmental Assessment Badlands 2010-01”)**

Riverside County Waste Management Department  
14310 Frederick Street  
Moreno Valley, CA 92553

December 2010

## BACKGROUND

This Mitigation Monitoring Program (MMP) has been prepared to comply with Section 21081.6 of the California Environmental Quality Act (CEQA). Section 21081.6 requires that public agencies adopt a monitoring program for measures that are required to mitigate or avoid significant effects to the environment from the project.

The MMP serves three functions:

1. Assures completion of mitigation measures during project implementation.
2. Provides feedback to designated agencies and decision makers regarding the effectiveness of the mitigation measures.
3. Identifies the need for enforcement action before irreversible environmental damage occurs.

In the event it is determined that a mitigation measure is not effective or feasible, the MMP can be amended on an as-needed basis to incorporate additional or revised measures that the decision makers or agencies adopt.

## FORMAT OF PROGRAM

The MMP includes the following information:

**Mitigation Measure:** Identifies project-specific mitigation measures described in Environmental Assessment (EA) Badlands 2010-01 as well as existing general mitigation measures for on-going operation of the Badlands Landfill.

Mitigation measures are grouped under the environmental impact areas, which are represented by the following "Impact Codes":

S	=	Seismicity/Soil/Slopes
W	=	Water/Hydrology
T	=	Transportation/Circulation
A	=	Air Quality
B	=	Biological Resources
H&S	=	Public Health and Safety
E&M	=	Energy & Mineral Resources
N	=	Noise
U	=	Utilities and Service Systems
P/A	=	Paleontological/Archaeological Resources
GHG	=	Greenhouse Gas Emissions

**Monitoring Timeframe:** Indicates the timeframe in which the mitigation measure should be performed or completed.

**Enforcement Authorities:** Designates the agency/agencies responsible for overseeing and/or monitoring the implementation of the mitigation measure(s) included in the MMP. In the case of this project, monitoring responsibilities are shared among various local, state, and federal agencies. As the landfill owner and operator, the RCWMD is responsible for implementing all the identified mitigation measures in this MMP. However, it should be noted that some of the identified mitigation measures are conditional measures and some optional measures. The conditional measures are only implemented under specific circumstances. The optional measures, when implemented, can either provide additional protection above and beyond what is required to reduce impacts to insignificance level, or substitute for the standard/regular measures that may have become uneconomical or ineffective. In addition to the oversight of the identified enforcement authorities, the RCWMD will self-monitor all the required mitigation measures.

The following abbreviations and acronyms are used in this MMP:

AB 32:	California Global Warming Solutions Act of 2006
ADC:	Alternative Daily Cover
BACT:	Best Available Control Technology
B&S:	Riverside County Building and Safety Department
BMP:	Best Management Practices
BPECP:	Blood-borne Pathogens Exposure Control Plan
CalRecycle:	California Department of Resources Recycling and Recovery
CAL/OSHA:	California Occupational Safety and Health Administration
CARB:	California Air Resources Board
CCR:	California Code of Regulations
CDFG:	California Department of Fish & Game
CEQA:	California Environmental Quality Act
CHRIS-EIC:	California Historical Resources Information System-Eastern Information Center
CSP:	Code of Safe Practices
CUPA:	Certified Unified Program Agency
DTSC:	Department of Toxic Substances Control
EDA/FM:	Riverside County Economic Development Agency/Facilities Management
G2E:	Landfill gas to Electricity
GHG:	Greenhouse Gas
HAZMAT:	Hazardous Materials Division of the Environmental Health Department
HAZWOPER:	The Hazardous Waste Operations and Emergency Response Standard
HHW:	Household Hazardous Waste
LEA:	Local Enforcement Agency of the Environmental Health Department
LFG:	Landfill Gas
MBTA:	Migratory Birds Treaty Act

MSHCP: Western Riverside Multiple Species Habitat Conservation Plan  
NAHC: California Native American Heritage Commission  
NPDES: National Pollutant Discharge Elimination System  
OHP: Office of Historic Preservation  
PHHWF: Permanent Household Hazardous Waste Facility  
PRC: Public Resources Code  
RCA: Regional Conservation Agency of Western Riverside County  
RCFC: Riverside County Flood Control and Water Conservation District  
RCFD: Riverside County Fire Department  
RCHRSD: Riverside County Human Resources, Safety Division  
RCSD: Riverside County Sheriff Department  
RCWMD: Riverside County Waste Management Department  
SAA: Streambed Alteration Agreement  
SARWQCB: Santa Ana Regional Water Quality Control Board  
SCAQMD: South Coast Air Quality Management District  
SWPPP: Stormwater Pollution Prevention Plan  
USEPA: United States Environmental Protection Agency  
WRP: Waste Recycling Park

## MITIGATION MONITORING PROGRAM MATRIX

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
S	1	The LFG collection and disposal facility will be examined for damage by a RCWMD engineer as soon as possible following a major earthquake along the San Jacinto or Banning Fault Zones or any other major faults in the region. Any damage to the facility will be repaired in a timely manner and to the satisfaction of the SCAQMD.	On-going until end of the mandated post-closure period	LEA SCAQMD CalRecycle RCWMD
S	2	The landfill site engineers shall examine the landfill unit, environmental monitoring systems, and the dirt stockpile for damage following an earthquake generated by the San Jacinto fault system or the Banning Fault Zones. Significant cracks of the landfill surface, failed slopes, or any damaged environmental monitoring facilities shall be repaired as soon as practical and to the satisfaction of the regulatory agencies.	On-going until end of the mandated post-closure period	LEA SARWCB SCAQMD CalRecycle RCWMD
S	3	The landfill site engineer shall examine all permanent sedimentation basins for structural damage in the wake of an earthquake generated by the San Jacinto fault system or the Banning Fault Zone. All significant damage shall be repaired as soon as practical and to the satisfaction of the applicable regulatory agencies.	On-going until end of the mandated post-closure period	LEA SARWCB CDFG RCA RCWMD
S	4	The retained sediments and other debris in all permanent sedimentation basins shall be excavated and immediately transported away prior to the start of each rainy season, generally by the end of September.	On-going until end of the mandated post-closure period	LEA, RCA, CDFG SARWCB RCWMD
S	5	Future buildings on the stockpiles shall be built in accordance with the seismic construction standards of the California Building Code and applicable County ordinances.	Building plan check and construction inspection	B&S EDA/FM RCWMD
S	6	Storage of hazardous waste in the future permanent household hazardous waste facility (PHHWF) at the Waste Recycling Park (WRP) shall be stored in lidded containers within approved secondary containment devices. Outdoor household hazardous waste handling area(s) shall be confined by the appropriate means so as to contain any accidental spills and thus avoid offsite contamination via storm water runoff.	On-going operation of the WRP & PHHWF	CUPA, HATMAZ LEA RCFD DTSC CAL/OSHA RCWMD
S	7	All structures associated with the waste recycling park (WRP) shall be inspected by Riverside County Waste Management Department (RCWMD) designated personnel for structural damage and spillage of building contents after a major earthquake in the region. All structures shall be cleared of any hazard generated by an earthquake before they are open to the public again.	On-going operation of the WRP	CUPA, HATMAZ LEA, RCFD, DTSC B&S EDA/FM CAL/OSHA RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
S	8	All fill slopes of the stockpiles shall be engineered to meet minimum static and seismic factors of safety requirements.	Grading Plan; & during stockpiling	RCWMD
S	9	All fill slopes of the stockpiles shall be protected against surface erosion with the appropriate cover materials, augmented with the appropriate surface drainage facilities, including but are not limited to, drainage ditches at the top of slope, downdrains, pipe culverts, and ground greenwaste slope cover, to reduce infiltration of precipitation and sheet flow across large surface area.	On-going until end of the mandated post-closure period	LEA SARWQCB RCA RCWMD
S	10	The design and construction Stockpile 1 shall follow the recommendations of the Geosyntec Consultants in its report "Slope Stability Evaluation, Future Stockpiling Area, Badlands Sanitary Landfill, Riverside County, California," dated October 19, 2009.	Grading Plan; stockpile construction	RCWMD
S	11	Stockpile 2 shall be evaluated for slope stability prior to construction.	Grading plan review	RCWMD
S	12	All grading activities shall be conducted in accordance with Riverside County grading standards, operational guidelines, and permit processes of the State Water Resources Control Board, as defined under the National Pollutant Discharge Elimination System (NPDES) permit requirements.	During liner foundation and stockpiles construction	B&S SARWQCB LEA, RCA RCWMD
W	1	The landfill operator shall update the Stormwater Pollution Prevention Plan (SWPPP) and monitoring program to incorporate the operation of the proposed project and implement the prescribed best management practice to prevent stormwater pollution from construction of the stockpiles, Waste Recycling Park (WRP), and road improvement.	Prior to and during liner foundation, road, stockpiles, & WPR construction	SARWQCB LEA RCA RCWMD
W	2	The landfill operator shall prepare and implement a drainage system and erosion control inspection and maintenance plan, which will consist of inspection and maintenance procedures for all landfill and soil stockpiles drainage features, including the sedimentation basins and erosion control on the landfill and soil stockpile surfaces, time schedule, and reporting requirements. The inspection and maintenance procedures shall include monitoring of and mitigation for streambed incision downstream from the basins' discharge points. In addition, the basin maintenance procedures shall address special maintenance requirements for unusual weather conditions.	Drainage Plan prior to stockpile construction. Inspection and maintenance on-going until end of the mandated post-closure period	SARWQCB LEA RCA RCWMD
W	3	Those areas of the Waste Recycling Park (WRP) where potential hazardous materials are handled shall be paved with concrete or an appropriate impermeable material to prevent direct infiltration to the soil which could then impact surface runoff from Stockpile 1.	During construction of the WRP	SARWQCB LEA RCWMD



Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
W	4	All self-haul refuse unloaded at the Waste Recycling Park (WRP) site shall be loaded into storage bins by the end of the day and covered with a tarp, in order to avoid exposure to the rain, as well as potential release of leachate from the refuse onto the ground surface.	During WRP operation until landfill closure	LEA SARWQCB RCWMD
W	5	No refuse shall be allowed to remain anywhere on the Waste Recycling Park (WRP) site for longer than 72 hours.	During WRP operation until landfill closure	LEA SARWQCB RCWMD
W	6	Any accidental spill of hazardous waste shall be immediately cleaned up, in accordance with the standard procedures established in a Hazardous Materials Business Emergency Plan.	On-going until landfill closure	LEA CUPA, DTSC, RCWMD
W	7	All recycled appliances with exposed hazardous components shall be covered up with a tarp or moved indoors during raining conditions.	On-going until landfill closure	LEA CUPA, DTSC, RCWMD
W	8	Appliance servicing operation at the Waste Recycling Park (WRP) shall be conducted on ground surface that is either paved or covered with an impermeable material. In addition, such operation shall not be conducted during rainy weather, unless it is carried out under an appropriate cover.	During WRP operation until landfill closure	LEA CUPA DTSC RCWMD
W	9	No major equipment repair activities shall be allowed on the Waste Recycling Park (WRP) site, except for emergency repairs.	WRP operation until landfill closure	LEA RCWMD
W	10	<p>The following Best Management Practices (BMP) for the operation of a Permanent Household Hazardous Waste Facility (PHHWF), if built, at the Waste Recycling Park (WRP) site shall be implemented:</p> <ol style="list-style-type: none"> <li>Public household hazardous waste collection operations will be cancelled during inclement weather, based upon an evaluation of safety conditions by site managers.</li> <li>The household hazardous waste unloading and consolidation activities will be held under a cover and the ground protected by a concrete-paved surface or other impermeable material.</li> <li>Outdoor storage of hazardous waste handling tools, equipment, and used containers shall take place in a covered area adjacent to Permanent Household Hazardous Waste Facility building.</li> <li>Removal and shipment offsite of the consolidated household hazardous waste from the Permanent Household Hazardous Waste Facility shall be scheduled to avoid rainy weather. Should it rain during waste removal, all appropriate measures to avoid direct exposure of HHW to the precipitation shall be implemented.</li> </ol>	During WRP operation until landfill closure	CUPA LEA DTSC SARWQCB RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
W	11	The Permanent Household Hazardous Waste Facility (PHHWF) at the Waste Recycling Park (WRP) site will be designed and constructed to divert surface run-on at the WRP away from its operation area in order to minimize exposure of household hazardous waste to surface water.	Drainage Plan; WRP construction & operation	LEA, CUPA DTSC SARWQCB RCWMD
T	1	The project contractor shall be responsible for preparing and implementing a traffic safety plan for the dirt haul operation on Ironwood Avenue, subject to approval by the Riverside County Waste Management Department (RCWMD) prior to construction. At a minimum, such plan should call for the use of the appropriate traffic safety signs and flagmen to ensure intersection traffic safety.	Plan review; during liner & stockpile construction	LEA RCWMD
T	2	The existing traffic control program for the landfill shall be updated to address the WRP traffic, if necessary. The updated program will embrace the basic traffic management objectives of ensuring traffic safety at the WRP site, as well as avoiding or minimizing crossing between WRP and general landfill traffic.	Prior to & throughout the life of WRP operation	LEA RCWMD
A	1	All earthmoving areas related to Stockpile 1 construction shall be watered, at least once every hour, to prevent dust from extending 100 feet beyond the active earthmoving areas.	During liner and stockpiles construction	SCAQMD LEA RCWMD
A	2	All unpaved roads used for dirt hauling during Stockpile 1 construction shall be watered at least twice an hour.	During liner and stockpiles construction	SCAQMD LEA RCWMD
A	3	All non-dirt/paved roads used for dirt hauling during Stockpile 1 construction shall be watered up to 6 times a day.	During liner and stockpiles construction	SCAQMD LEA RCWMD
A	4	During high winds, the frequency of watering both paved and unpaved road surfaces shall be increased to sufficiently suppress dust generation from those surfaces. The onsite material stockpiles shall be watered when visible emissions of dust are caused by wind.	On-going until landfill closure	SCAQMD LEA RCWMD
A	5	All dirt hauling traffic shall be subject to a speed limit of 15 mph.	On-going until landfill closure	SCAQMD LEA, RCWMD
A	6	If the project should be considered by the SCAQMD as a "large operation," the RCWMD shall identify a SCAQMD-certified dust control supervisor onsite or have a supervisor available onsite within 30 minutes during operation hours, in compliance with Section (e)1(E) of Rule 403, as amended on April 2, 2004.	During liner and stockpiles construction	SCAQMD RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
A	7	<p>The liner construction and soil stockpiling contractor shall be required to employ a reasonable combination of feasible means to minimize equipment emissions, including, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Use of diesel equipment powered with Tier 2 or better engines that meets the highest NOx and particulate matters emission standards established in California Air Resources Board's (CARB) Title 13 SEC 2449, 2449.1, 2449.2, and 2449.3 Rule/Regulation, which was adopted on June 15, 2008. Contractor shall also provide the Riverside County Waste Management Department with a current copy of their certificate of reported compliance issued by CARB;</li> <li>• Use of alternative diesel fuel(s) for the soil-hauling vehicles to the extent practical;</li> <li>• Use of electrical conveyor system to complement diesel powered hauling equipment;</li> <li>• Maximize soil load density by means of precision and compaction loading;</li> <li>• Use of innovative, energy-efficient soil excavation method(s) other than the traditional surface stripping with scrapers;</li> <li>• Implement proper traffic controls to avoid queuing of hauling equipments on the haul route and strive for non-stop soil-hauling equipment/vehicle traffic; and</li> <li>• Enforcement of the State's 5-minute engine idling standard to all hauling equipment and vehicles.</li> </ul>	During liner and stockpiles construction	SCAQMD RCWMD
A	8	At the entrance to the landfill facility, post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall be responsible and have the authority to respond and take corrective action(s) within 24 hours.	Liner and stockpiles construction;	SCAQMD RCWMD
B	1	Maintenance work in the permanent sedimentation basins for the landfill and stockpiles shall avoid adjacent streambed habitat.	On-going until end of the mandated post-closure period	CDFG RCA RCWMD
B	2	To mitigate impacts to nesting birds protected by the Migratory Birds Treaty Act (MBTA) and State Fish and Game Code, vegetation removal activities shall be scheduled between September 1 and February 14 to avoid the nesting season.	During soil stockpiles construction	CDFG RCA RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
B	3	<p>If vegetation removal activities are proposed during the nesting season (February 15 to August 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to removal.</p> <p>If any active nests are detected, the area shall be flagged, along with an appropriate buffer (buffer may range between 300 and 500 feet as determined by the monitoring biologist), and shall be avoided until the nesting cycle is complete or it is determined by the monitoring biologist that the nest has failed. In addition, a biologist shall be present on the site to monitor the vegetation removal to ensure that nests not detected during the initial survey are not disturbed.</p>	<p>Prior to and during stockpiles construction</p>	<p>CDFG RCA RCWMD</p>
B	4	<p>If any active nests are detected, the area shall be flagged, along with an appropriate buffer (buffer may range between 300 and 500 feet as determined by the monitoring biologist), and shall be avoided until the nesting cycle is complete or it is determined by the monitoring biologist that the nest has failed. In addition, a biologist shall be present on the site to monitor the vegetation removal to ensure that nests not detected during the initial survey are not disturbed.</p>	<p>Prior to and during stockpiles construction</p>	<p>CDFG RCA RCWMD</p>
B	5	<p>Prior to soil stockpiling operation, a Streambed Alteration Agreement (SAA) shall be reached between the California Department of Fish and Game (CDFG) and the Riverside County Waste Management Department (RCWMD) regarding mitigation to potential impacts to direct loss of 0.54 acre of jurisdictional streambed from the project.</p>	<p>SAA signed prior to stockpile construction &amp; implementation to completion</p>	<p>CDFG RCWMD</p>
B	6	<p>In order to mitigate potential impact to 0.23 acre of waters of the State during construction of the soil stockpiles, the contractor shall implement all applicable best management practices (BMP's) for construction activities, in accordance with the Stormwater Pollution Prevention Plan (SWPPP) of the National Pollutant Discharge Elimination System (NPDES) permit issued by the Santa Ana Regional Water Quality Control Board (SARWQCB).</p>	<p>SWPPP updated prior to &amp; implemented throughout stockpiling</p>	<p>SARWQCB LEA RCA RCWMD</p>
B	7	<p>In order to mitigate potential impact to 0.23 acre of waters of the State during operation of the Waste Recycling Park (WRP) on the top deck of Stockpile 1, the Riverside County Waste Management Department (RCWMD) shall implement all applicable best management practices (BMPs) prescribed in the National Pollutant Discharge Elimination System (NPDES) permit and the Waste Discharge Requirements (WDR) issued for the landfill operation. When required by the Santa Ana Regional Water Quality Control Board (SARWQCB), the RCWMD shall update the Stormwater Pollution Prevention Plan (SWPPP) of the NPDES permit and WDR to incorporate specific mitigation measures or requirements for the operation of the WRP.</p>	<p>WDR updated prior to WRP construction; ongoing monitoring throughout operating life of the WRP</p>	<p>SARWQCB LEA RCA RCWMD</p>
B	8	<p>To minimize indirect effects at the urban/wildlands interface, project design features and implementation shall be in accordance with Section 7.5.3, <i>Construction Guidelines</i>, and Appendix C, <i>Standard Best Management Practices</i>, of the MSHCP to ensure consistency with Section 6.1.4, Guidelines Pertaining to the Urban/Wildlands Interface, of the MSHCP.</p>	<p>Throughout construction and operating life of the stockpiles and WRP</p>	<p>RCA LEA RCWMD</p>

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
B	9	<p>A mitigation monitoring plan shall be prepared and implemented to offset impacts to sugarcane scrub habitat. This plan will focus on the creation of equivalent habitats within a designated habitat conservation area on the Badlands Landfill property and provide details as to the implementation of the mitigation program, maintenance, and future monitoring. Sugarcane scrub and sugarcane scrub/ruderal communities impacted should be mitigated via on-site (landfill property) replacement, restoration, or enhancement of sugarcane scrub at a ratio of no less than 1:1 in one or more of the following ways:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Seeding of sugarcane</li> <li><input type="checkbox"/> Planting of container plants</li> <li><input type="checkbox"/> Salvage of duff and seed bank (of on-site community) and subsequent dispersal</li> </ul>	<p>Plan preparation prior to stockpile construction and implementation according to plan-recommended timelines.</p>	RCWMD
E&M	1	<p>The liner and soil stockpiling contractor shall be required to enforce the State's 5-minute engine idling standard to all hauling equipment and vehicles utilized for the Project.</p>	<p>During liner &amp; stockpiles construction</p>	RCWMD
H&S	1	<p>Comply with State permit requirements for the design, operation, and maintenance of the future Permanent Household Hazardous Waste Facility (PHHWF).</p>	<p>Construction &amp; Operation of the PHHWF</p>	CUPA, DTSC LEA RCWMD
H&S	2	<p>Update the Badlands Landfill's Hazardous Materials Business Emergency Plan to incorporate the operation of the Permanent Household Hazardous Waste Facility (PHHWF) and potential occasional mobile household hazardous waste (HHW) collection events at the Waste Recycling Park (WRP) site.</p>	<p>Prior to construction of PHHWF</p>	CUPA, DTSC LEA RCWMD
H&S	3	<p>All mobile collection events, if taking place at the PHHWF site, must strictly follow the operation protocol of the County's own mobile hazardous waste collection program to ensure public safety and protection of the environment.</p>	<p>During each HHW collection event</p>	CUPA, DTSC LEA RCWMD
H&S	4	<p>Maintain the current performance level of the load checking/waste inspection program in terms of continued implementation of best management practices and emphasis on personnel safety training.</p>	<p>On-going until landfill closure</p>	CUPA, DTSC LEA RCWMD
H&S	5	<p>The landfill supervisor or designee shall, in the case of emergency, supervise staff response and coordinate with local emergency response agencies (i.e., RCDF, RCSD, HAZMAT, and Riverside County General Hospital, Moreno Valley), as appropriate, in accordance with the Emergency Action Plan procedures for the Badlands Landfill.</p>	<p>On-going until landfill closure</p>	RCFD RCSD HAZMAT LEA RCWMD

<b>Impact Code</b>	<b>No.</b>	<b>Mitigation Measure</b>	<b>Monitoring Timeframe</b>	<b>Enforcement Authorities</b>
<b>H&amp;S</b>	<b>6</b>	Litter at the landfill site shall be picked up on a regular basis and on a schedule approved by the LEA, in accordance with the Refuse Control Program.	On-going until landfill closure	LEA RCWMD
<b>H&amp;S</b>	<b>7</b>	The operator will be required to pick up any illegally or indiscriminately dumped material attributable to the operation of the Badlands Landfill along the primary delivery route of Ironwood Avenue.	On-going until landfill closure	LEA RCWMD
<b>H&amp;S</b>	<b>8</b>	All vehicles delivering waste to the Badlands Landfill, and vehicles leaving the facility, are required to have covered loads.	On-going until landfill closure	LEA RCWMD
<b>H&amp;S</b>	<b>9</b>	Compaction of trash on the working face shall be continuous to control vectors. At the end of each work day, trash shall be adequately covered with clean dirt and/or State-approved alternative daily cover that can prevent vectors from getting to the trash underneath it.	On-going until landfill closure	LEA RCWMD
<b>H&amp;S</b>	<b>10</b>	The landfill operator shall comply with all State and County regulations regarding fire prevention at the landfill.	On-going until landfill closure	RCFD, LEA RCWMD
<b>H&amp;S</b>	<b>11</b>	All hazardous waste workers at the landfill shall receive an initial 40-hour HAZWOPER course and annual 8-hour refresher training, in compliance with California Code of Regulations (CCR), Title 8, Section 5192.	On-going until landfill closure	CUPA, DTSC, CAL/OSHA RCWMD
<b>H&amp;S</b>	<b>12</b>	All employees exposed to refuse on their jobs shall have training and instruction on general and job-specific blood-borne pathogen exposures and the Blood-borne Pathogens Exposure Control Plan (BPECP) contained in Appendix F of the RCWMD's Code of Safe Practices (CSP).	On-going until landfill closure	CAL/OSHA RCHRS/D/Safety Officer RCWMD
<b>H&amp;S</b>	<b>13</b>	All stored hazardous waste shall be removed from the storage facility, in accordance with the requirements of the 22 CCR, Section 66262.34(d).	On-going until landfill closure	CUPA, DTSC RCWMD
<b>H&amp;S</b>	<b>14</b>	All buildings on the Waste Recycling Park (WRP) site shall be constructed in compliance with the requirements of the Riverside County Fire Department.	Building Construction	RCFD RCWMD
<b>H&amp;S</b>	<b>15</b>	Storage of vehicle and equipment fuels shall be prohibited on the Waste Recycling Park (WRP) site.	On-going until landfill closure	RCFD, LEA SARWQCB RCWMD
<b>N</b>	<b>1</b>	All equipment operators are required to wear ear-protective devices, such as ear plugs.	During project construction and landfill active life	CAL/OSHA RCHRS/D/Safety Officer, RCWMD
<b>P/A</b>	<b>1</b>	Prior to soil excavation, the landfill operator must retain a qualified vertebrate paleontologist to conduct a paleontological resource awareness training program for selected landfill staff and equipment operators to raise their awareness of the potential for paleontological resources.	Prior to liner & stockpiles construction	RCWMD

<b>Impact Code</b>	<b>No.</b>	<b>Mitigation Measure</b>	<b>Monitoring Timeframe</b>	<b>Enforcement Authorities</b>
P/A	2	During soil excavation, the project paleontologist shall salvage exposed paleontological resources. This shall consist of collecting standard samples of fossiliferous sediments at paleosol horizons and localities to avoid impacts by project activities.	During soil excavation at both liner and stockpile sites	RCWMD
P/A	3	During soil excavation, a trained paleontological monitor will be present during ground disturbing activities in sediments of the San Timoteo Formation. The monitoring for paleontological resources will be conducted on a part-time basis. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. During monitoring, samples will be collected and processed to recover micro vertebrate fossils.	During soil excavation at both liner and stockpile sites	RCWMD
P/A	4	All fossils collected during project construction will be prepared to a reasonable point of identification. Itemized catalogs of all material collected and identified will be provided to the museum repository along with the specimens. A specimen repository agreement will be arranged in writing with a local museum repository, such as the accredited Riverside Metropolitan Museum, prior to providing the fossil specimen to the museum.	Conditional and during soil excavation at both liner and stockpile sites	RCWMD
P/A	5	A final paleontological monitoring report that documents the results of the monitoring and salvage activities and the significance evaluation of the recovered fossils shall be prepared by the paleontological monitor. The submission of this final monitoring report, along with a copy of a specimen repository agreement, if applicable, to the Riverside County Waste Management Department will signify the completion of the program to mitigate impacts to paleontological resources for the proposed project.	30 days after completion of project's earth work	RCWMD
P/A	6	If archaeological resources are encountered during implementation of the project, ground disturbing activities shall be temporarily re-directed from the vicinity of the find, until the find has been evaluated for purposes of significance determination, and treatment and recovery, as necessary, by a qualified archaeologist.	Conditional & during grading within soil stockpiling site	RCWMD
P/A	7	Treatment of the archaeological finds encountered during project implementation shall include the goals of preservation, where practical, and public interpretation of historic and archaeological resources.	Conditional & during soil stockpiling	RCWMD
P/A	8	All cultural resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historical Resources Information System-Eastern Information Center (CHRIS-EIC).	Conditional & during soil stockpiling	RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
P/A	9	A final report on all cultural resources recovered shall be prepared by a qualified archaeologist and filed with the Riverside County Waste Management Department (RCWMD) and the CHRIS-EIC, as required by the California Office of Historic Preservation (OHP). The report shall include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National and California Register of Historic Places and CEQA. The report shall also include all specialists' reports as appendices.	30 days after completion of soil stockpiling	RCWMD
P/A	10	The Riverside County Waste Management Department (RCWMD) shall designate repositories in the event that significant resources are recovered. Archaeological monitoring for ground disturbing activities thereafter to the completion of the Project should be performed, if required by the qualified archaeologist who has evaluated and processed the recovered significant resources.	Conditional & during soil stockpiles construction	RCWMD
P/A	11	If human remains are encountered during implementation of the project, further disturbance to the scene is prohibited until the County Coroner has made the necessary findings as to the origin and disposition, pursuant to Public Resources Code (PRC), Section 5097.98.	Conditional & during soil stockpiles construction	RCWMD
P/A	12	If human remains are determined to be of Native American descent, the coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours for identification of the Most Likely Descendant of the deceased Native American and to ensure the appropriate and dignified treatment of the human remains and any associated grave liens.	Conditional & during soil stockpiles construction	RCWMD
P/A	13	The Riverside County Waste Management Department (RCWMD) shall consult with the Native American tribes as having affiliation with the project region, upon identification of significant Native American cultural resources during Project implementation.	During soil stockpiles construction	RCWMD
GHG	1	Early installation of a LFG recovery network in each future phase of landfill expansion that will consist of horizontal and variable depth vertical gas collectors, looped piping, and lateral connections to the leachate collection and disposal system.	On-going until landfill closure	SCAQMD CARB LEA RCWMD
GHG	2	Upgrade the current LFG monitoring, collection, disposal, and conversion system with an additional flare tower using the Best Available Control Technology (BACT)-compliant ZULE technology to ensure 100% backup flare capacity for the existing landfill gas to electricity (G2E) conversion unit.	Upon issuance of Title V Permit by SCAQMD	SCAQMD CARB RCWMD



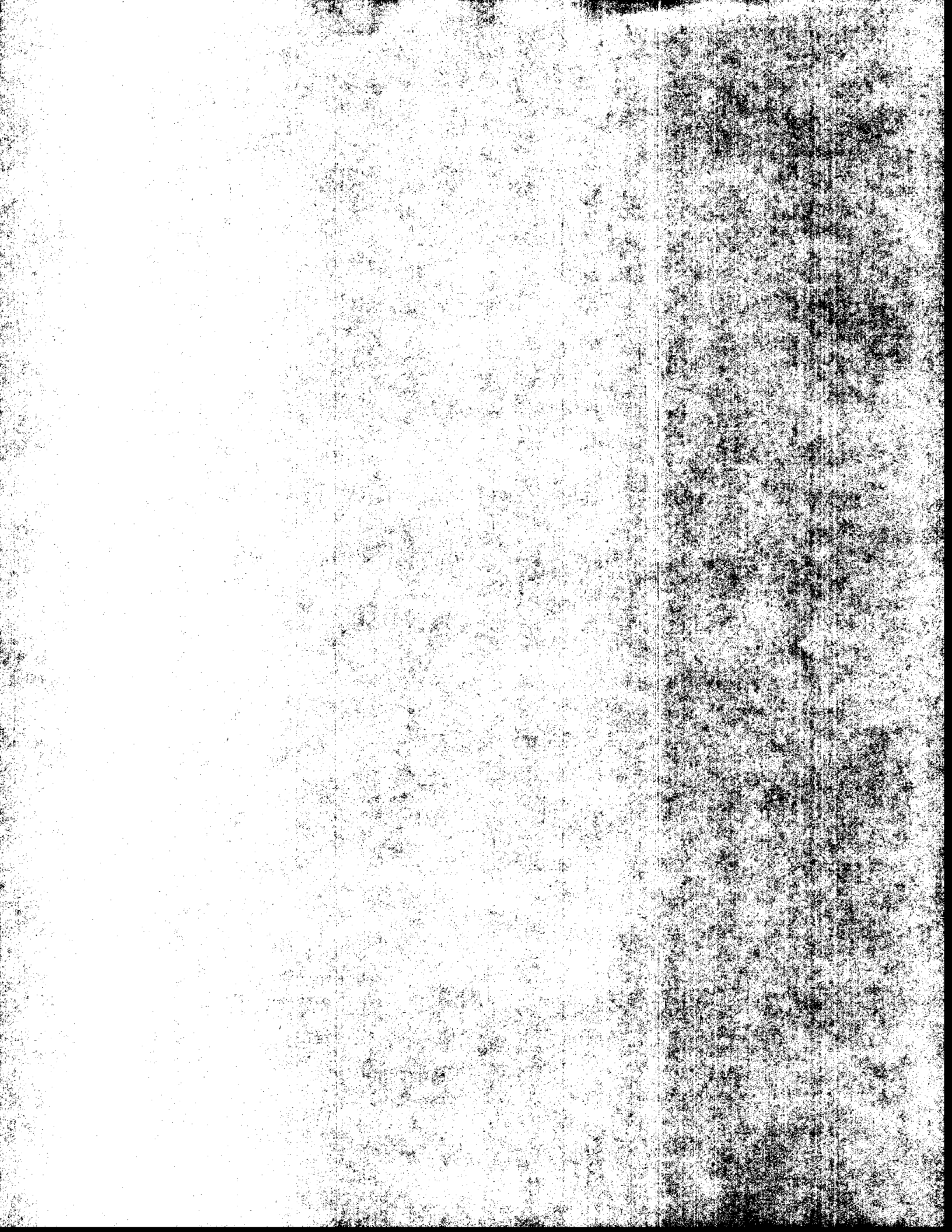
<b>Impact Code</b>	<b>No.</b>	<b>Mitigation Measure</b>	<b>Monitoring Timeframe</b>	<b>Enforcement Authorities</b>
<b>GHG</b>	<b>3</b>	Upgrade the existing landfill gas to electricity (G2E) conversion unit with the latest generator technology, as feasible.	As warranted	SCAQMD CARB RCWMD
<b>GHG</b>	<b>4</b>	Comply with the new landfill gas monitoring requirements, as per AB 32 regulation by the California Air Resources Board (CARB) and revised Rule 1150.1 by the South Coast Air Quality Management District (SCAQMD).	As mandated	SCAQMD CARB RCWMD
<b>GHG</b>	<b>5</b>	Decrease the long-term organic contents of the landfill by limiting the frequency and quantity of greenhouse alternative daily cover (ADC) application to the extent practical, that is, as long as other environmental greenhouse recycling options are readily available to Riverside County and its cities.	As warranted	CalRecycle RCWMD
<b>GHG</b>	<b>6</b>	Increase waste density by means of consistent compaction and optimal landfill cell configuration.	On-going until landfill closure	RCWMD
<b>GHG</b>	<b>7</b>	Use either durable erosion control materials or self-sustained ground cover vegetation for protection of the landfill and soil stockpile slopes against surface erosion by the wind and rain. This will reduce water use for dust control and equipment use for slope repair, thus reducing the air pollutant and greenhouse gas (GHG) emissions associated with these maintenance operations.	On-going until landfill closure	LEA SARWQCB RCWMD
<b>GHG</b>	<b>8</b>	Timely repair of any eroded landfill surface to prevent surface emission of landfill gas and infiltration of precipitation into the landfill mass, causing long-term increase in production of landfill gas/GHG.	On-going until landfill closure	LEA, SARWQCB SCAQMD RCWMD
<b>GHG</b>	<b>9</b>	Conserve water by using, as much as practical, non-toxic landfill leachate for dust control at the landfill and stockpile surfaces.	On-going until landfill closure	LEA SARWQCB RCWMD
<b>GHG</b>	<b>10</b>	Enhance the existing on-site materials reuse and recycling operations with a future Waste Recycling Park (WRP) in the proposed soil stockpiling area to facilitate community recycling programs/events and public education opportunities, if feasible.	After WRP construction & on-going thereafter until landfill closure	CalRecycle RCWMD
<b>GHG</b>	<b>11</b>	Maintain or strive to exceed the current 50% waste diversion thru incorporation of organic waste composting technology into the landfill design and routine operation.	As feasible	CalRecycle RCWMD
<b>GHG</b>	<b>12</b>	Comply with Rule 1150.1 of the South Coast Air Quality Management District (SCAQMD) for landfill gas emissions control, monitoring, and reporting.	On-going until landfill closure	SCAQMD RCWMD
<b>GHG</b>	<b>13</b>	Comply with the appropriate rule adopted under the U.S. Environmental Protection Agency's (USEPA) Mandatory Greenhouse Gas Reporting Program.	On-going until end of mandated post-closure period	USEPA RCWMD

Impact Code	No.	Mitigation Measure	Monitoring Timeframe	Enforcement Authorities
GHG	14	Comply, as appropriate, with the landfill gas control and monitoring requirements of the California Air Resources Board's (CARB) regulation entitled <u>Methane Emissions from Municipal Solid Waste Landfills</u> , as codified in the California Code of Regulation (CCR), Title 17, Sections 95460 - 95476.	On-going until end of mandated post-closure period	CARB RCWMD
GHG	15	Comply, as appropriate, with the requirements of the California Air Resources Board's (CARB) Mandatory Reporting of Greenhouse Gas Emissions regulation, as codified in the California Code of Regulation (CCR), Title 17, Sections 95100 to 95133.	As applicable until end of mandated post-closure period	CARB RCWMD

1 — Project-specific mitigation measure

1 — Mitigation measure that applies to the general landfill operation activities

1 — Mitigation measure that applies to both the general landfill and project operation activities





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT

10 NOV 10 PM 1:38

November 5, 2010

Regulatory Division

Sung Key Ma  
Riverside County Waste Management Department  
14310 Fredrick Street  
Moreno Valley, California 92553

SUBJECT: Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction

Dear Mr. Sung Key Ma:

Reference is made to your request (File No. SPL-2010-00890-RJV) dated July 22, 2010, for an approved Department of the Army jurisdictional determination (JD) for the Badlands Landfill soil stockpiling project site (33.957354 N. -117.123609 W) located within the city of Moreno Valley, Riverside County, California (see Figures 1-2).

As you may know, the Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, then a permit is required. The first test determines whether or not the proposed project is located in a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. As part of the evaluation process, pertaining to the first test only, we have made the jurisdictional determination below.

Based on available information, we have determined there are no waters of the United States on the project site in the locations depicted on the enclosed map (Figure 7). The basis for our determination can be found in the enclosed JD form.

The aquatic resources identified as Drainages 1-5 (D1-D5) on the attached drawing are intrastate isolated waters with no apparent interstate or foreign commerce connection. As such, these waters are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board, California Department of Fish and Game, and/or the U.S. Fish and Wildlife Service.

This letter contains an approved jurisdictional determination for the Badlands Landfill soil stockpiling project site. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet (Appendix A) and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Corps South Pacific Division Office at the following address:

Tom Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division, CESP-D-PDS-O, 2042B  
1455 Market Street, San Francisco, California 94103-1399

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date on the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 4, 2010. It is not necessary to submit an RFA form to the Division office if you do not object to the decision in this letter.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you wish to submit new information regarding the approved jurisdictional determination for this site, please submit this information to R.J. Van Sant at the letterhead address by December 4, 2010. The Corps will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. A revised or reissued jurisdictional determination can be appealed as described above.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular project site identified in your request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

If you have any questions, please contact R.J. Van Sant at 213-452-3418 or via e-mail at Richard.J.Vansant@usace.army.mil.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at:  
<http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Therese O'Rourke Bradford  
Chief, South Coast Branch  
Regulatory Division

Enclosure(s):

Figure 1 – Regional map

Figure 2 – Local map

Figure 7 – Aquatic resource map

Approved Jurisdictional Determination

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Sung Key Ma, Riv. County Waste	File Number: SPL-2010-00890-RJV	Date: 11/05/2010
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
  - **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT:** You may accept or appeal the permit.
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
  - **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.
- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
  - **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

DISTRICT ENGINEER  
Los Angeles District, Corps of Engineers  
ATTN: Chief, Regulatory Division  
P.O. Box 532711  
Los Angeles, CA 90053-2325  
Tel. (213) 452-3425

DIVISION ENGINEER  
South Pacific Division, Corps of Engineers  
Attn: Tom Cavanaugh  
Administrative Appeal Review Officer  
South Pacific Division, CESPDPDS-O, 2052B  
1455 Market Street, San Francisco, California 94103-1399  
Phone: (415) 503-6574 Fax: (415) 503-6646  
Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

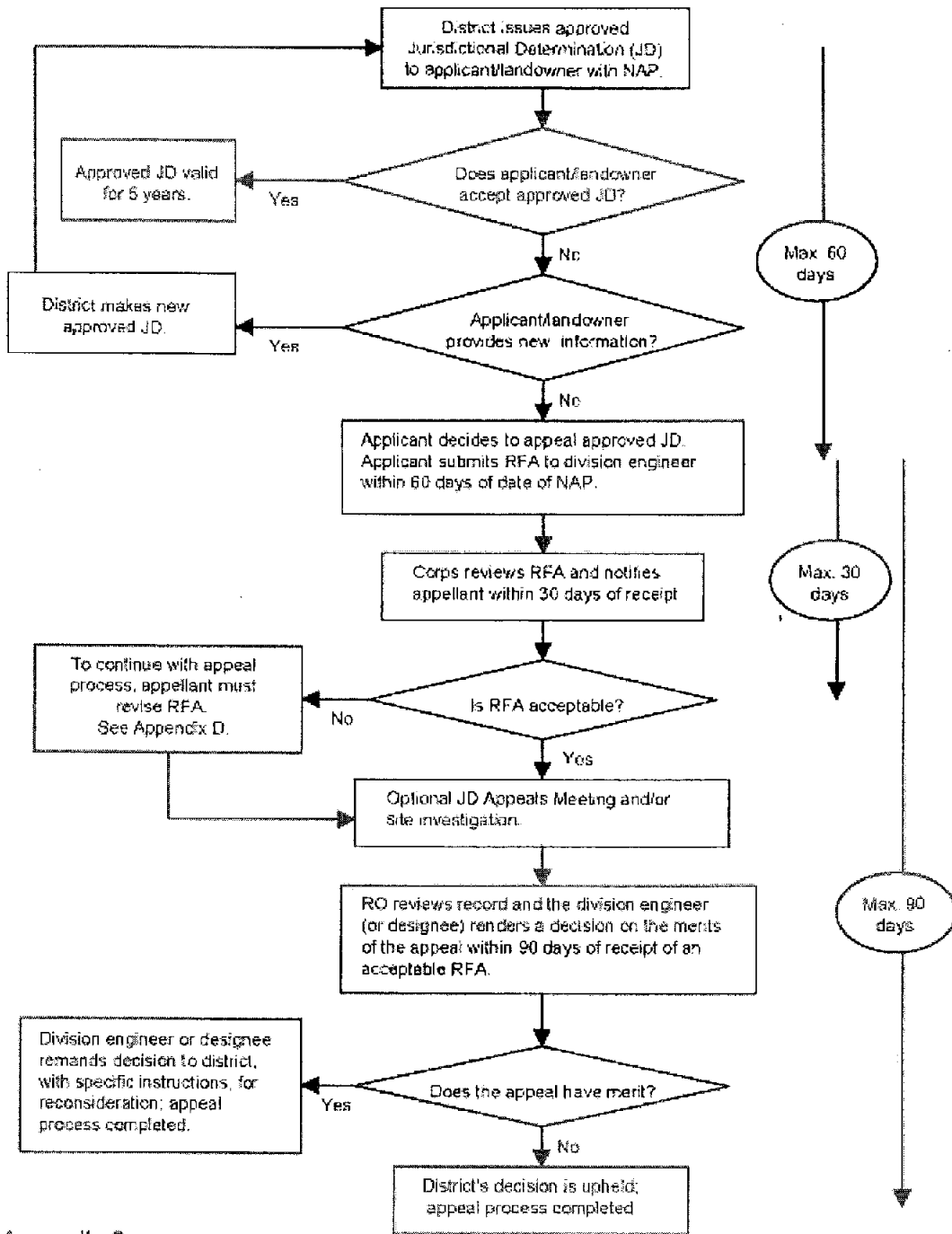
\_\_\_\_\_  
Signature of appellant or agent.

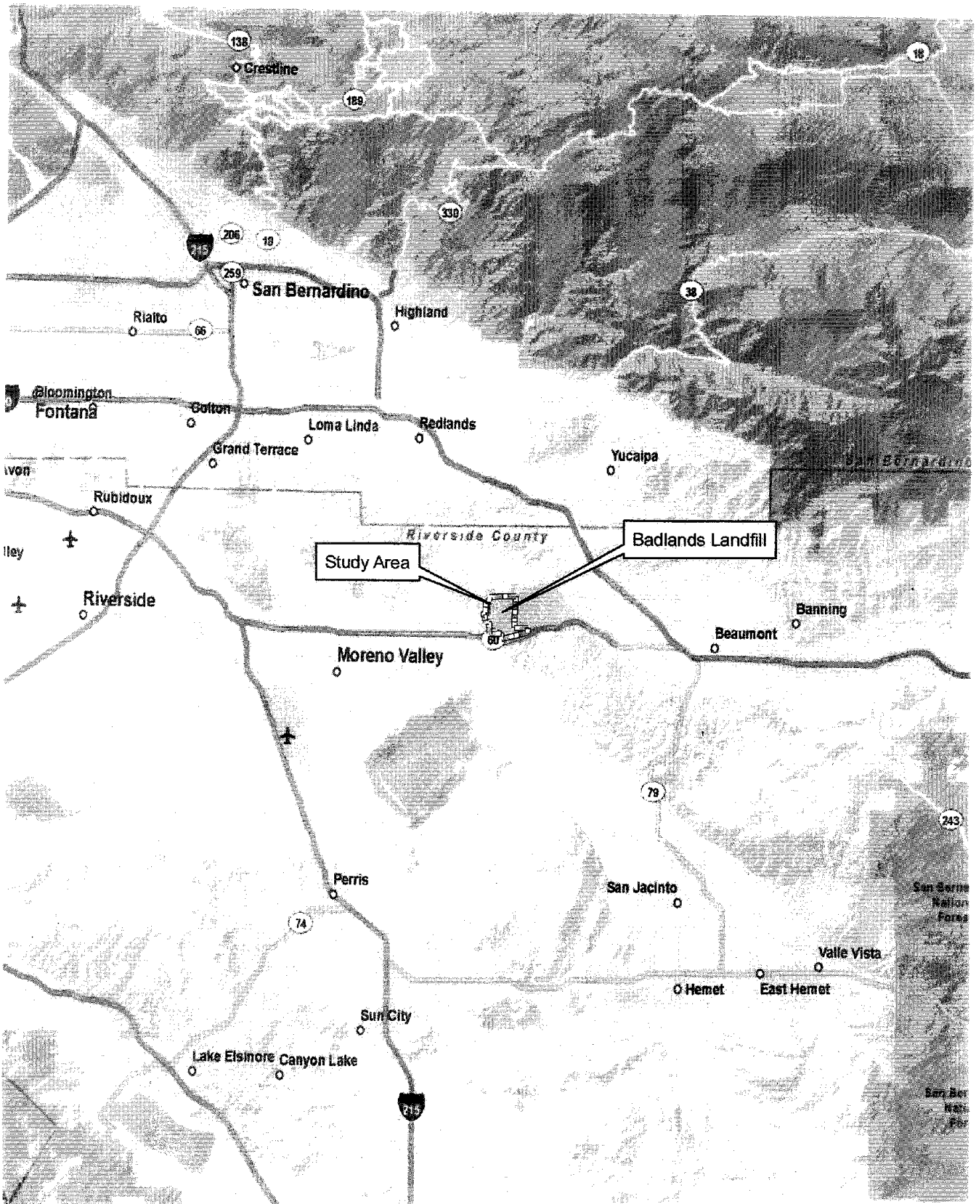
Date: \_\_\_\_\_

Telephone number: \_\_\_\_\_



## Administrative Appeal Process for Approved Jurisdictional Determinations





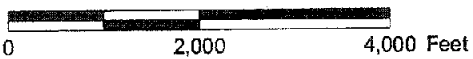
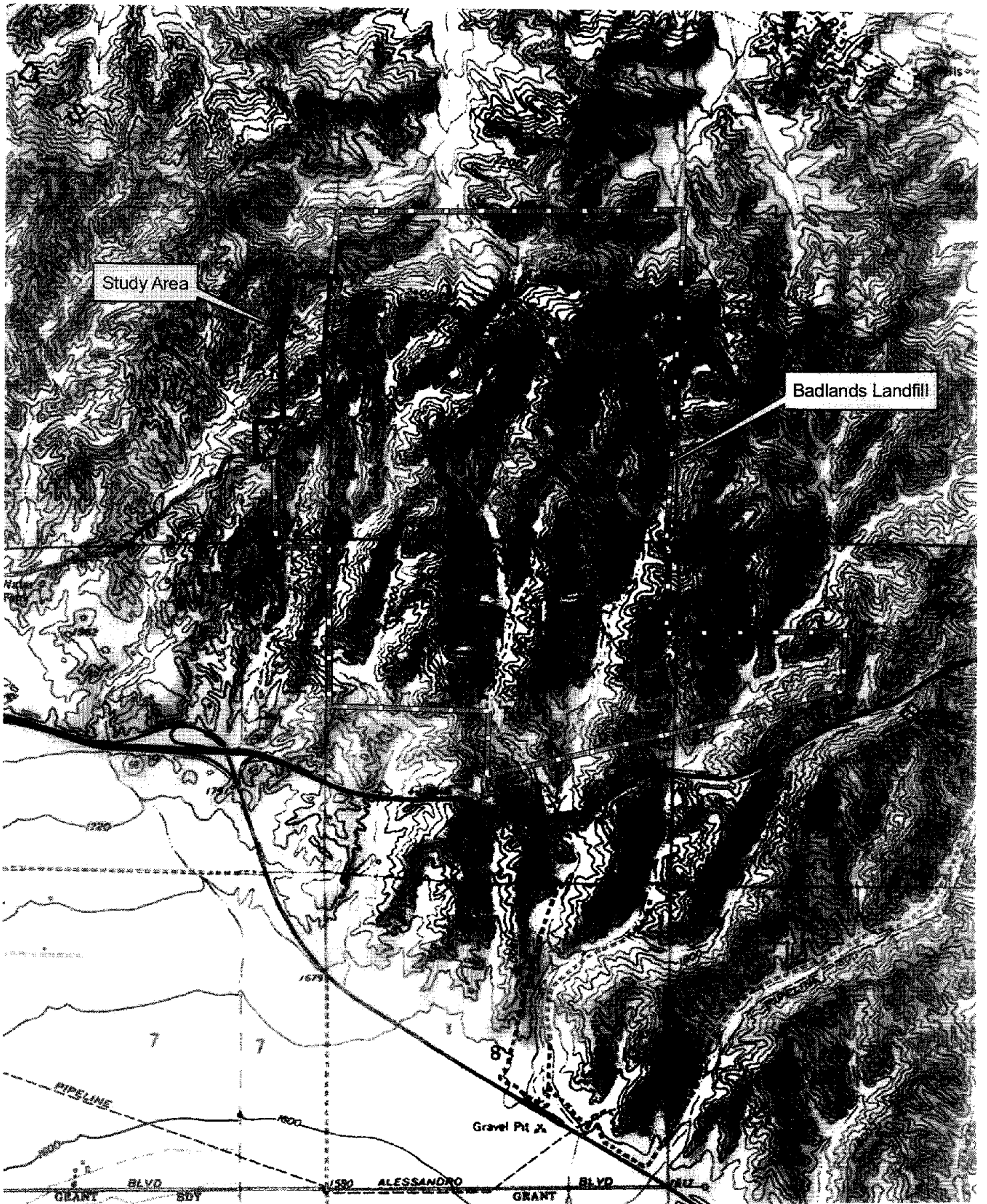
**Regional Map**

FIGURE

**1**

Badlands Landfill  
 Source: ESRI Street Map, 2009; PCR Services Corporation, 2010.





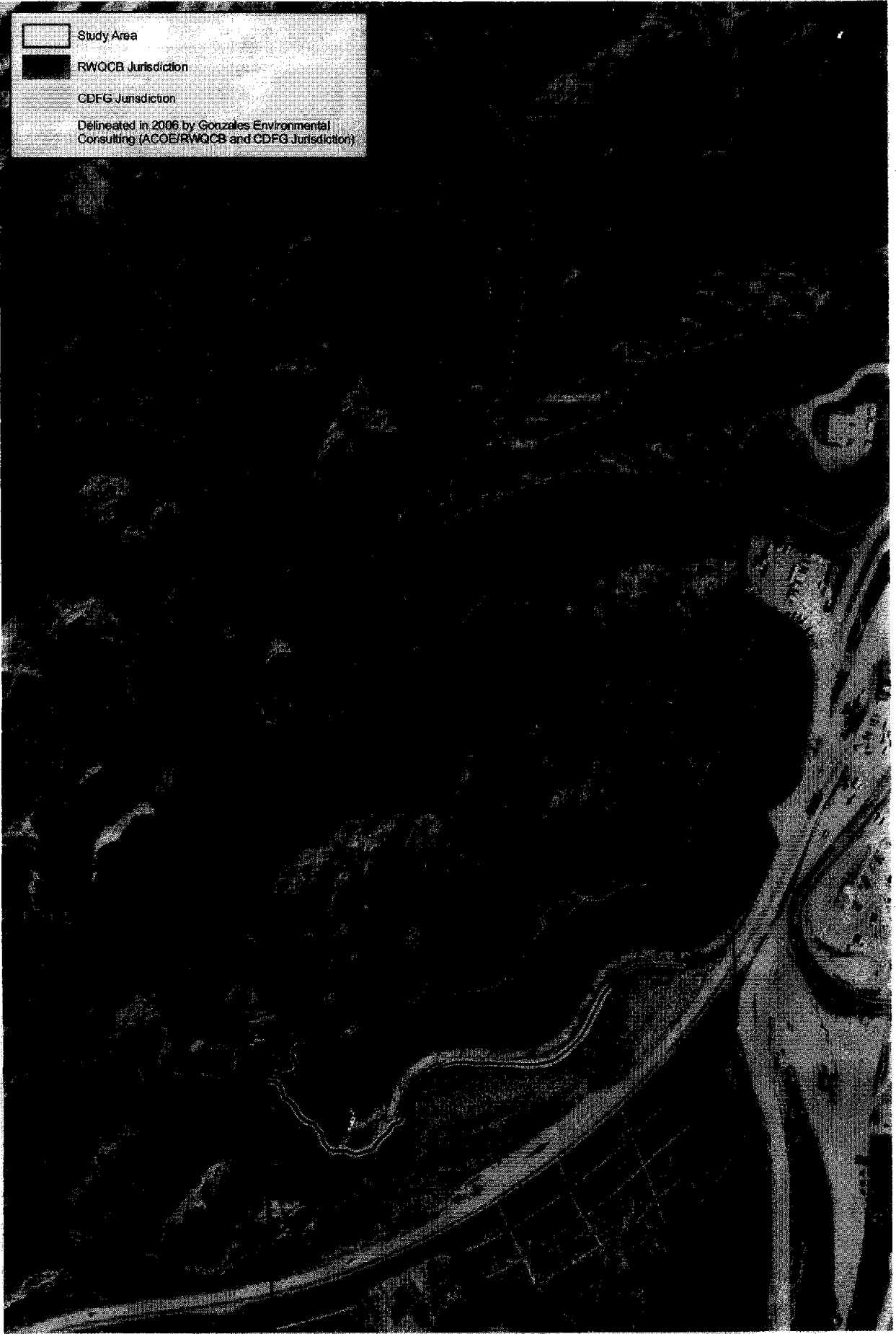
Vicinity Map

Badlands Landfill

Source: USGS Topographic Series (El Casco, Sunnymead, CA); PCR Services Corporation, 2010.

FIGURE

2



Study Area  
RWQCB Jurisdiction  
CDFG Jurisdiction  
Delineated in 2006 by Gonzales Environmental Consulting (ACOE/RWQCB and CDFG Jurisdiction)



**Jurisdictional Features**

Source: Aerial Express (Aerial), 2007; PCR Services Corporation, 2010.

APPROVED JURISDICTIONAL DETERMINATION FORM  
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12 October 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LOS ANGELES DISTRICT, BADLANDS LANDFILL, 2010-00890-RJV

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: CA County/parish/borough: Riverside City: Moreno Valley  
Center coordinates of site (lat/long in degree decimal format): Lat. 33.954785° N, Long. -117.122828° W  
Universal Transverse Mercator:

Name of nearest waterbody: Mystic Lake

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: NA

Name of watershed or Hydrologic Unit Code (HUC): Santa Ana

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 12 October 2010

Field Determination. Date(s): 30 September 2010

**SECTION II: SUMMARY OF FINDINGS**

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: **Not Applicable.**

Elevation of established OHWM (if known):

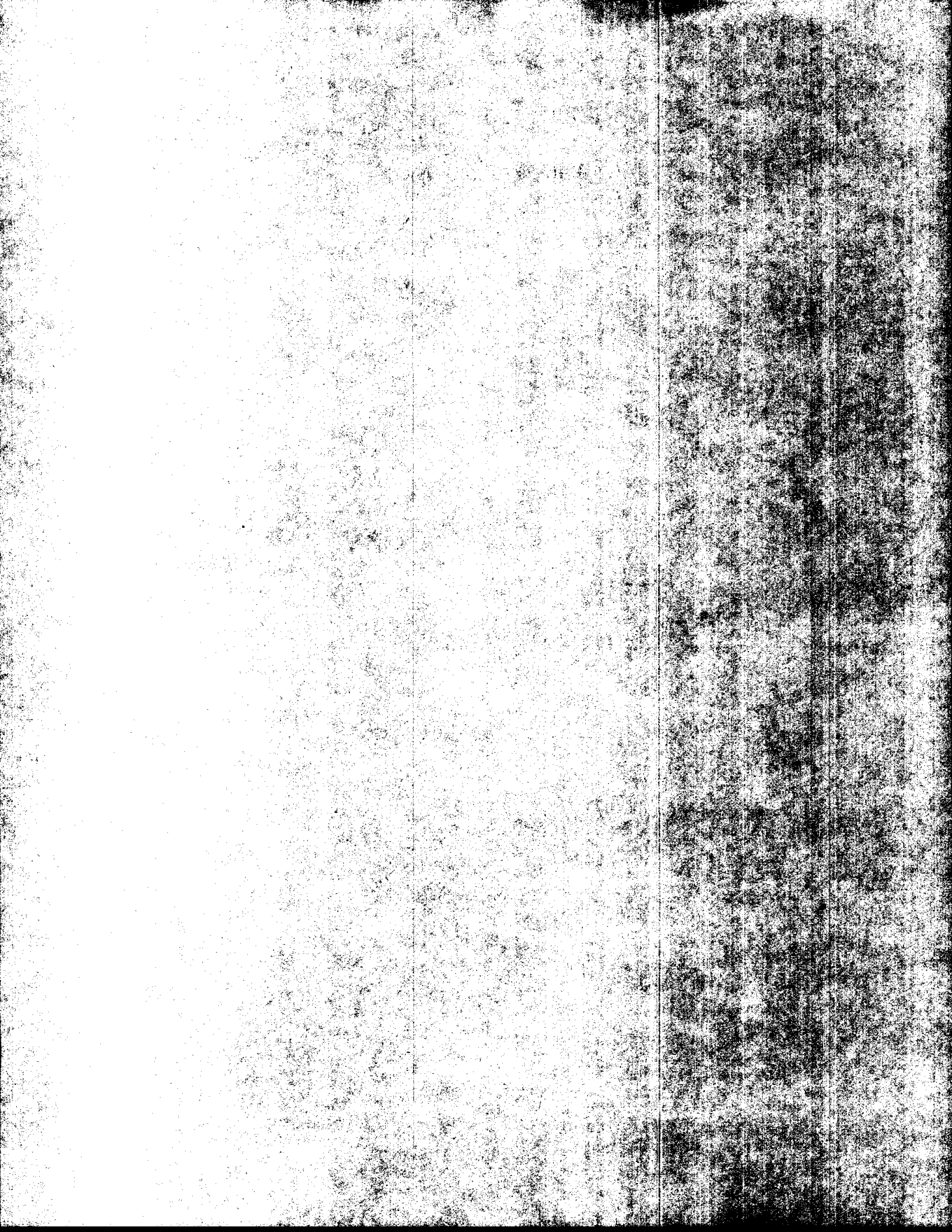
2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>

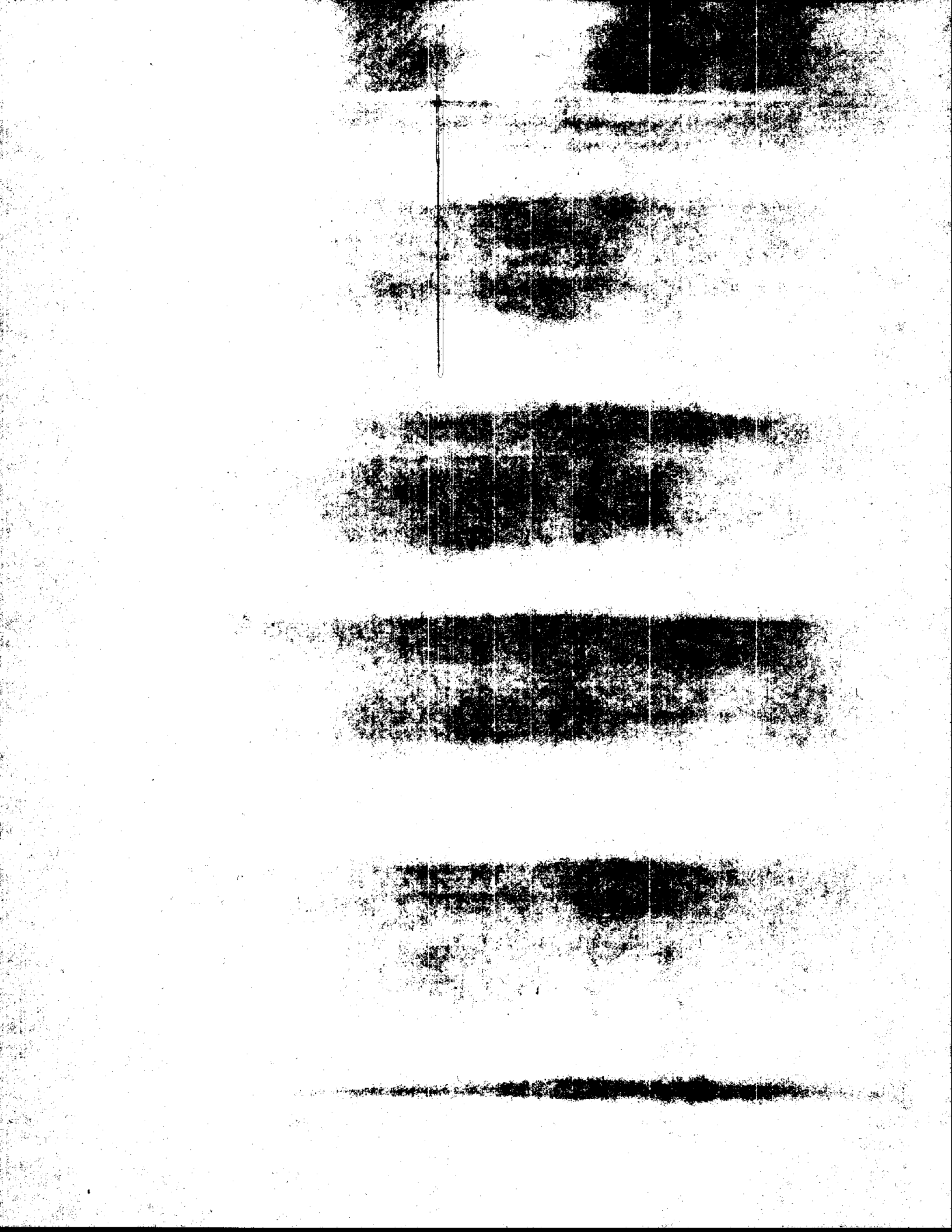
- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: A site visit was conducted on 30 Sept 2010 to determine the downstream connectivity and significant nexus potential of the 5 drainages (drainages 1-5 or D1-D5) within the review area (Badlands Landfill soil stockpiling site just west of the Badlands landfill). Within the project site the drainages were determined to have minimal, if any, signs of a OHWM. They showed characteristics of a swale rather than a well defined channel/drainage. The drainages were vegetated with upland grasses and showed no signs of a bed and bank, drift deposits, fine sediments, water stains, or

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.





# RESPONSES TO COMMENTS

## EA "BADLANDS 2010-01"

### Comments by Johnson & Sedlack

#### **J&S Comment #1 (General):**

Separate activities and developments must be evaluated as one CEQA project where one activity is a foreseeable consequence of the other, where one activity is a future expansion of the first "that will change the scope of the first activity's impacts," and where both "are integral parts of the same project." (CEQA Guidelines § 15165; *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal. App. 4th 690, 698.) Unfortunately, the Project fails to analyze the impacts associated with the future development of the Permanent Household Hazardous Waste Facility (PHHWF).

#### **Response #1 (General):**

EA "Badlands 2010-01" clearly identifies the potential future relocation of a previously assessed but not yet built Waste Recycling Park (WRP), of which a PHHWF is a part, to the top of proposed Stockpile 1. The development and operation of the WRP and PHHWF are already authorized under the Badlands Landfill's current Solid Waste Facility Permit (SWFP), which was environmentally evaluated in EA 39813 and approved via adoption of a MND for the EA in May of 2005 by the Riverside County Board of Supervisors. EA 39813 identified in detail and assessed thoroughly all potential environmental effects of the operation of the WRP and PHHWF at an approximately 5-acre area that actually falls within the footprint of Stockpile 1. Due to the fact that the Project would only relocate the WRP and PHHWF within the same general area and not change the basic design and operation concepts of these facilities, the information contained in EA 39813 on the facilities' environmental setting as well as potential impacts and associated mitigation measures is valid and applicable to the Project and EA "Badlands 2010-10." For this reason, EA 39813 has been incorporated by reference into EA "Badlands 2010-01" for the common potential environmental effects of the WRP and PHHWF, such as facilities construction effects on air quality, and facilities operation effects on public health and safety, public services, and utilities and service systems. Site-specific environmental issues related to these relocated facilities, such as seismicity/slope stability, water quality, and paleontological/cultural resources, are considered 'new' or 'additional' impacts and therefore fully assessed in EA "Badlands 2010-01." Lastly, both EA's were subject to the CEQA public review process for the Project.

#### **J&S Comment #2 (General):**

This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. This is unacceptable.

#### **Response #2 (General):**

This comment represents the commentator's general impression of the EA, as it is not substantiated with specific facts and evidence. The RCWMD will respond to the specific comments on mitigation measures by the commentator in the following sections of this letter.



**J&S Comment #3 ("Project Alternative"):**

The MND notes that an alternative to the proposed stockpiling operation would be to export the 250,000 cubic yards of soil from C4P3 liner construction to use by other permitted construction permits. This would result in Stockpile 1 being constructed entirely of soil transferred from the existing stockpile in Canyon 6. The MND alleges that this would result in allowing for the daily soil movement activity to be reduced to such a degree that environmental effects would be minimal. Yet, the MND fails to analyze the environmental effects of this alternative. Therefore the MND fails as an informational document.

**Response #3 ("Project Alternative"):**

EA "Badlands 2010-01" has analyzed the potential traffic impact from the added soil export vehicle trips and concluded that the potential impact will be insignificant. The analysis for criteria air pollutant emissions and impacts to air quality associated with the soil hauling to an offsite permitted construction project is covered by the CEQA review for said construction project, and thus, beyond the scope of EA "Badlands 2010-01." The "Project Alternative" would involve substantially less construction activities and equipment usage than the proposed Project; therefore, its impacts would also be less than those of the proposed Project. Since the Project is already determined not to result in any significant impacts on the environment that cannot be mitigated to insignificance level, the lesser impacts of the "Project Alternative" are also determined to be insignificant by reason of proportion. An informational document does not need to contain superfluous information, as *the purpose of CEQA is not to generate paper* [CEQA Guidelines §15003(g)]. Moreover, CEQA requires "analytical rather than encyclopedic EIR" [CEQA Guidelines §15006(o)]. Section 15151 sets the standard of adequacy of information, which emphasizes the provision of "a sufficient degree of analysis" so that the decision makers can make informed decision on a project. It doesn't endorse exhaustive evaluation of the environmental effects of a project.

**J&S Comment #4 (Project Description):**

The project description fails to mention that it is expected that a Permanent Household Hazardous Waste Facility (PHHWF) will be constructed at the WRP on Stockpile 1 sometime in the future. (MND, pg. 25) Additionally, the impacts from this portion of the project were not sufficiently analyzed throughout the MND. Development of the PHHWF on Stockpile 1 is a foreseeable aspect of this Project. Therefore, the MND fails as an informational document by not analyzing the effects from a PHHWF at the site.

**Response #4 (Project Description):**

The Project Description section appropriately mentions the relocation of the approved WRP on Stockpile 1 as one of the Project's objectives. Since the current EA has incorporated by reference EA 39813, which contained a detail description of the WRP and PHHWF, there is no need to repeat the long description of these facilities in the Project Description of this EA. More important, the Project impacts specific to the WRP and PHHWF are discussed and assessed in the Environmental Impact Assessment section of EA "Badlands 2010-01." See also Response #1 (General) for a detailed explanation for the issue of the 'absent' of impact analyses pertaining to the development and operation of the potential future PHHWF.

**J&S Comment #5 (Biological Resources):**

Mitigation Measure 4 requires preparation and implementation of a mitigation and monitoring plan to offset impacts to sugarbrush scrub habitat. In order to ensure that this mitigation is fully enforceable and certain to occur, this measure should include a specific time by which the mitigation and monitoring plan must be prepared and begun to be implemented.

**Response #5 (Biological Resources):**

The specific timelines will be included in the Mitigation Monitoring or Reporting Program, pursuant to CEQA Guidelines Section 15097. When a project is approved, Riverside County as the lead agency traditionally adopts a Mitigation Monitoring Program (MMP), along with adoption of the MND or certification of the EIR prepared for the project. A MMP will be adopted for this Project, which will clearly identify the specific time frame by which this mitigation measure (as well as each of the other recommended mitigation measures in the EA) is implemented to completion, the responsible party/parties for implementing the mitigation, and the enforcement agency/agencies who monitor(s) the implementation and results of the mitigation measures.

**J&S Comment #6 (Biological Resources):**

In order to ensure that the Permittee will "conduct creation, restoration or enhancement to an aquatic resource with higher ecological functions and a more extensive riparian/riverine ecosystem than what is being impacted by the project" as noted in the Joint Project Review (JPR) in order to mitigate for impacts to jurisdictional streambeds, this should be provided for in the mitigation measures of the MND. Although the Biological Resources section of the MND states that such mitigation may be included in the California (Department) Fish and Game (CDFG) Streambed Alteration Agreement (SAA) required for this project, this language does not provide a mandatory requirement. Therefore, a mitigation measure must be adopted to ensure that this offsite mitigation is actually implemented so as to ensure consistency with the Multiple Species Habitat Conservation Plan (MSHCP).

**Response #6 (Biological Resources):**

The JPR does not require this mitigation measure as a condition for its determination of Project consistency with the requirements of MSHCP Section 6.1.2. In fact, the JPR finds and concludes that *the project is not expected to adversely impact any of the plant or wildlife species associated with MSHCP Riparian/Riverine Areas, due to the lack of suitable Riparian/Riverine habitat on-site or location of the project site being outside of the species range.* Additionally, the EA does not refer to this mitigation as solely an off-site mitigation.

The Project will require an SAA from the CDFG. The SAA is the governing mechanism for mitigation of Project impacts to streambed resources. To achieve this objective, CDFG and the Project sponsor will discuss and negotiate mitigation options on the basis of the options' necessity, suitability, and viability. It is premature and inappropriate to 'mandate' in the EA any mitigation measures for the future SAA.

**J&S Comment #7 (Biological Resources):**

In order to lessen the project's impacts to wetlands, a CDFG Streambed Alteration Agreement (SAA) will be warranted and will contain mitigation measures.

**Response #7 (Biological Resources):**

There are no wetlands identified on the Project site, according to the biological surveys and jurisdictional delineation studies performed on the Project site between 2007 and Spring of 2010.

**J&S Comment #8 (Land Use and Planning):**

The MND states that although the Project site encompasses 1,168.3 acres, only 1,093.2 acres are designated as Public Facilities (PF) in the 2003 Riverside County General Plan, with the remaining 75.1 acres designated as Open Space-Conservation Habitat (CH). The MND concludes that since the Riverside County Planning Department is in the process of updating the General Plan to make the entire 1,168.3 acres PF, there is no impact or conflict with the General Plan and zoning. Yet, there is no discussion of what impact would occur if this change to the General Plan is not actually approved or adopted by the Riverside County Planning Department.

**Response #8 (Land Use and Planning):**

One of the primary objectives of the 2008 General Plan Update (a.k.a. GPA 960) is to update the current land use designations to correspond to the County's new vision for future land use development, address anticipated future needs, and accommodate previous and pending changes in land use. The re-designation of 75.1 acres of the Badlands Landfill, a County-owned public facility, from OS-CH to PF is consistent with the General Plan Update's primary objective. The proposed PF land use designation revision has been incorporated into the GPA 960, Exhibit C6-8, by the Riverside County Planning Department and reviewed/accepted by the General Plan Advisory Committee on June 18, 2009. The Project is consistent with the MSHCP, as concluded by the JPR. This implies that the Project will not adversely impact habitat conservation under the MSHCP, and therefore, the Project is not inconsistent with the "conservation habitat" intent of the OS-CH land use designation. Further, the Project is in compliance with the General Plan land use policy, RCBAP 5.2, which stipulates that *impacts of the landfill operation upon adjacent habitat areas be minimized through adherence to policies found in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)*. In conclusion, the EA has adequately analyzed for Project consistency with the General Plan.

**J&S Comment #9 (Land Use and Planning):**

The MND determined that based on the Joint Project Review (JPR) conducted by the RCA that the Project would be consistent with the requirements of the Multiple Species Habitat Conservation Plan (MSHCP). Yet, it appears from the JPR that the analysis did not include APN 413-140-024. No explanation was provided for this omission. This is unacceptable as each APN affected by this Project should have been analyzed in the JPR.

**Response #9 (Land Use and Planning):**

This parcel does not fall within a Criteria Area and therefore not subject to a Criteria Analysis for a determination of MSHCP consistency of the Project.

**J&S Comment #10 (Land Use and Planning):**

Additionally, the JPR concluded that since the project would not involving the handling of or stockpiling of hazardous wastes that there would be no risk of chemicals being discharged into the MSHCP Conservation Area. This is not so. In fact, the WRP will consist of a household hazardous waste storage facility, outdoor handling areas, and a future PHHWF for handling and storing such waste. Therefore, the accidental discharge of chemicals to the MSHCP Conservation Area must be addressed in the JPR.

**Response #10 (Land Use and Planning):**

This potential impact has been thoroughly analyzed in EA "Badlands 2010-01.01" and EA 39813. Sections 3.2.3(b) of both EA's address the potential impact of accidental chemicals spill at the WRP/PHHWF induced by earthquake and recommend feasible mitigation measures for the impact. Sections 3.2.4(c) of both EA's address the potential impact to surface water from accidental discharge of chemicals from the operation of the WRP/PHHWF and identify the necessary feasible mitigation measures for the impact. By mitigating the primary surface water impact from potential accidental chemicals spill, the secondary impact to MSHCP Conservation Area downstream from the Project site will also be mitigated. EA "Badlands 2010-01," Section 3.2.7(b) addresses the potential impacts to MSHCP Conservation area from the edge effects of stockpile construction and WRP/PHHWF operation and recommends feasible mitigation measures for the impact. EA 39813, Section 3 3.2.9(a) and (d) address the risk of accidental explosion or release of hazardous substances, and fire hazard from the operation of the WRP/PHHWF and identify feasible mitigation measures for the impacts.

**J&S Comment #11 (Land Use and Planning):**

Although the MND states that the soil stockpiles are not incompatible with the rural character of the area and the Rural Residential land use designation by the City of Moreno Valley, the MND does not discuss or analyze the compatibility of the other portions of the Project, such as the Waste Recycling Plant, the landfill offices, and the future PHHWF that will be constructed on top of these soil stockpiles.

**Response #11 (Land Use and Planning):**

EA Section 3.2.1(d) has already addressed land use compatibility in relation to the City of Moreno Valley's SOI land use designations for the area. The project site is separated from the city limit by a wide stretch of County land that is already preserved as open space and conservation habitat. This substantial land buffer practically eliminates any possibility of a significant land use incompatibility issue of the Project with the City.

**J&S Comment #12 (Population and Housing):**

The MND fails to analyze or explain how this Project will not induce growth either directly or indirectly when the Project will result in increased landfill capacity which would expand the level of service the landfill can provide and thus support future development in the area and indirectly induce growth. This is inadequate and these effects must not be ignored.

**Response #12 (Population and Housing):**

Urban population growth is not induced by development of waste disposal facilities. In fact, the opposite is true that urban growth tends to occur away from waste facilities, and in many cases, existing population, tends to reject or restrict development of new and expansion of existing waste facilities (e.g., the Eagle Mountain Regional Landfill in Riverside County), or in extreme cases, force premature closure of waste facilities.

Solid waste disposal at sanitary landfills is a modern social service that emerged with the environmental movement of the mid-to-late 20<sup>th</sup> Century to deal with one of the negative consequences of urban growth and consumer economy — generation of municipal solid waste that could cause environmental impacts, community nuisances, and threats to public health and safety if not properly managed and disposed of. The landmark California legislation of AB 939 in 1989 clearly illustrates the role of solid waste management and disposal facilities in society in one of the statute's Findings and Declarations: *As an essential part of the state's comprehensive program for solid waste management, and for the preservation of health and safety, and the well-being of the public, the Legislature declares that it is in the public interest for the state, as sovereign, to authorize and require local agencies, as subdivisions of the state, to make adequate provision for solid waste handling, both within their respective jurisdictions and in response to regional needs.....*[Public Resources Codes, Division 30, Section 40002]. From this perspective, solid waste management and disposal facilities play the important role of accommodating, not inducing, urban growth. Lastly and most important, this Project does not involve landfill capacity expansion.

**J&S Comment #13 (Seismicity/Soil/Slopes):**

Mitigation Measure (b)2 requires that outdoor household hazardous waste handling area(s) be confined *by the appropriate means* so as to contain any accidental spills. This mitigation measure is too vague and in order to ensure such measures are implemented, the mitigation measure should state what these appropriate means are or how they will be determined.

**Response #13 (Seismicity/Soil/Slopes):**

The language for the mitigation measure is not vague but meant to provide flexibility in the choice of the containment device to be utilized. Whereas CEQA (Guidelines 15126.4) requires an EIR to identify all known feasible methods/concepts of mitigating a significant effect, it does not require the identification of all actual tools, materials, or devices used in each mitigation method or concept. For example, secondary containment is a method/concept of mitigating accidental spill of HHW; however, there are various manners of secondary containment, such as temporary or permanent ground liner, concrete basin, trays, boxes, etc. Further, the MMP of the Project will indicate that the "appropriate means" of HHW containment will be subject to review, approval, and enforcement monitoring by the LEA, local Certified Unified Program Agency (CUPA), and Santa Ana Regional Water Quality Control Board (SARWQCB).

**J&S Comment #14 (Seismicity/Soil/Slopes):**

Grading, excavation and soil issues and requirements are simply not analyzed for Stockpile 2. Instead, Mitigation Measure (e) 2 states that Stockpile 2 shall be evaluated for slope stability

prior to construction. Therefore, a determination that impacts from grading and excavation will be less than significant is not based on evidence in the MND.

**Response #14 (Seismicity/Soil/Slopes):**

Stockpile 2 will be constructed in the future. Since the exact origins and types of its soil deposit are not known, a slope stability and soil analysis is impractical. If the analysis is performed now, its impact assessment and mitigation recommendations would be speculative. Therefore, it is legitimate to evaluate the slope stability and grading impacts and soil issues of Stockpile 2 when the sources and types of soil for its construction are known. In essence, this mitigation is to ensure that construction of Stockpile 2 will be properly evaluated and mitigated for these issues prior to construction. Unless such slope stability and soil analysis would call for considerable changes to the current conceptual design for Stockpile 2 that in turn cause additional environmental impacts, no additional CEQA evaluation will be necessary. Lastly, implementation of this mitigation will be enforced by the MMP of the Project.

**J&S Comment #15 (Transportation/Circulation):**

To ensure that the mitigation measure is implemented, MM (b) 1 should designate *when* the liner contractor must submit the traffic safety plan to the Riverside County Waste Management Department.

**Response #15 (Transportation/Circulation):**

Comment acknowledged. The mitigation measure is revised to read as follows:

*"The liner contractor shall be responsible for preparing and implementing a traffic safety plan for the dirt haul operation on Ironwood Avenue, subject to approval by the Riverside County Waste Management Department **prior to construction**. At a minimum, such plan should call for the use of the appropriate traffic safety signs and flagmen to ensure intersection traffic safety."*

**J&S Comment #16 (Air Quality):**

In analyzing the effects on air quality, the MND states that it is assumed that the maximum amount of dirt that will be excavated and stockpiled will not exceed 6,000 cy/day. In order to ensure that this level is not exceeded, this should be made a condition of project approval and not merely assumed.

**Response #16 (Air Quality):**

This requirement is unscientific and overly restrictive for the following reasons:

1. The air emissions analysis was based upon many other assumptions and variables, such as the size of the scrapers used by the contractor, average load density/compaction, density of the native soil, efficiency of the equipment operators, fuel, etc. A variation of any one of the assumptions and variables could substantially change the analysis results, either increasing or reducing the emission estimates. Therefore, it is unscientific and speculative to require that the project's potential air emissions be reduced to insignificance level by simply limiting the daily amount of soil excavated, hauled, and stockpiled to 6,000 cy.

2. There are other means the contractor can use to control or reduce the project's potential air emissions than to impose a strict limit to the daily amount of soil moved. They include but are not limited to: a) use of alternative mobile equipment to the scraper that has lower emission rates; b) Use of electrical conveyor systems to complement diesel equipment; and c) use of alternative-fuel equipment or equipment with emission control retrofit devices.

An ironclad requirement may not reduce air emissions and will eliminate incentives for the contractor to use alternative and more efficient emissions control methods to mitigate potential air impact to insignificance level. Alternatively, the RCWMD will add the following mitigation measure for potential air quality impact from the proposed soil stockpiling operation to the MMP of the Project:

*The liner construction and soil stockpiling contractor shall be required to employ a reasonable combination of feasible means to minimize equipment emissions, including, but are not limited to:*

- *Use of diesel equipment powered with Tier 2 or better engines that meets the highest NOx and particulate matters emission standards established in California Air Resources Board's (CARB) Title 13 SEC 2449, 2449.1, 2449.2, and 2449.3 Rule/Regulation, which was adopted on June 15, 2008. Contractor shall also provide the Riverside County Waste Management Department with a current copy of their certificate of reported compliance issued by CARB;*
- *Use of alternative diesel fuel(s) for the soil-hauling vehicles to the extent practical;*
- *Use of electrical conveyor system to complement diesel powered hauling equipment;*
- *Maximize soil load density by means of precision and compaction loading;*
- *Use of innovative, energy-efficient soil excavation method(s) other than the traditional surface stripping with scrapers;*
- *Implement proper traffic controls to avoid queuing of hauling equipments on the haul route and strive for non-stop soil-hauling equipment/vehicle traffic; and*
- *Enforcement of the State's 5-minute engine idling standard to all hauling equipment and vehicles.*

**J&S Comment #17 (Air Quality):**

Not all feasible mitigation was adopted in order to reduce air quality impacts due from fugitive dust. In addition to the mitigation measures noted in the MND, the following mitigation measure should be adopted:

*At the entrance to the landfill facility, post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.*

**Response #17 (Air Quality):**

CEQA does not require adoption of all known feasible mitigation measures for an identified potential significant impact. Rather, CEQA only requires mitigation that could avoid significant adverse impacts, or minimize or reduce such impacts to insignificance level. EA "Badlands

2010-01" has demonstrated that fugitive dust emissions can be reduced to below significance threshold by implementing the identified mitigation measures, in compliance with CEQA. Notwithstanding this fact, the recommended mitigation measure, as revised below, will be incorporated into the MMP of the Project:

*At the entrance to the landfill facility, post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall be responsible and have the authority to respond and take corrective action(s) within 24 hours.*

**J&S Comment #18 (Energy and Mineral Resources):**

Although the MND concludes that non-renewable resources (diesel) will not be used in a wasteful or inefficient manner, this is based on the fact that it would "be in the best interest of the contractor to conserve fuel and the RCWMD to reduce air emissions and contract cost." This must be *required* as a mitigation measure in order to ensure that these measures are certain to occur and that non-renewable resources will be used in an efficient manner.

**Response #18 (Energy and Mineral Resources):**

Comment acknowledged. The following mitigation measure will be added to this section of the MMP, as follows:

*The liner and soil stockpiling contractor shall be required to enforce the State's 5-minute engine idling standard to all hauling equipment and vehicles utilized for the Project.*

**J&S Comment #19 (Energy and Mineral Resources):**

The following mitigation measures must be required:

1. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PMI 0 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PMIO compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
2. Utilize only CARB certified equipment for construction activities.

**Response #19 (Energy and Mineral Resources):**

The recommended mitigation measures deal with air pollutant emissions and not energy resource conservation; therefore, they are irrelevant for this discussion. Since the EA has demonstrated that the Project will not result in exceedance of any criteria pollutant thresholds established by the SCAQMD, the strict requirement of the use of alternative diesel fuels is unwarranted. Further, the requirement of the use of a specific brand or type of alternative diesel fuel for the Project is neither appropriate nor practical. Lastly, by law all construction equipment utilized in California is CARB certified.



**J&S Comment #20 (Public Health and Safety):**

The MND fails to analyze the fire hazard associated with a future PHHWF. This is improper and must be analyzed.

**Response #20 (Public Health and Safety):**

EA "Badlands 2010-01" has incorporated by reference the analysis of the fire hazard associated with a future PHHWF in EA 39813, which was made available for public review in conjunction with EA "Badlands 2010-01."

**J&S Comment #21 (Noise):**

In the analysis of the ambient noise levels in project vicinity, the MND states both that the increase in noise levels will be temporary and that the public does not stay long enough at the site to be affected. Whether temporary or not, the noise levels may still be significant and expose people to severe noise levels. Thus, the noise impacts from this Project must still be analyzed and properly mitigated if significant.

**Response #21 (Noise):**

The commentator missed the most important environmental fact considered in the analysis, which is the isolation of the Project equipment activities (i.e., soil excavation and stockpiling) from the public (i.e., landfill users and nearby residents), as the equipment would mostly operate within deep canyons away from the active disposal area and nearby residences. The regular landfill users stay at the disposal area in open space and for the time just long enough to unload their trash. If the noise from the immediately adjacent trash disposal equipment does not adversely affect them, the more distant noise from equipment activities of the Project certainly would not either. As the nearest residences are almost a mile away from the Project site, and the Project equipment noise transmission is interrupted by several high ridges, it is obvious that noise impact to these residences would be insignificant. On the basis of the aforementioned environmental factors, it was determined that Project equipment noise would not create a significant impact.

**J&S Comment #22 (Public Services):**

In analyzing the impacts to the effect upon fire protection, the MND fails to analyze or address whether current plans and measures would be adequate to address any fires that would occur at the PHHWF. As this is a foreseeable aspect of the Project, failure to analyze these impacts is improper.

**Response #22 (Public Services):**

The MND addresses and determines the potential fire hazard and effect on fire protection associated with the WDR and PHHWF by incorporating the analyses for these issues found in EA 39813.

**J&S Comment #23 (Aesthetic):**

The MND fails to analyze the night light or glare associated with operation of the WRP or PHHWF. This is improper and must be analyzed.

**Response #23 (Aesthetic):**

There won't be night operation of the WRP or PHHWF. A few security lights at the buildings on the WRP site would be the only sources of night lighting. These lights are typically directed towards the ground and therefore will not create night glare.

**J&S Comment #24 (Aesthetic):**

Additionally, although the MND assumes that nighttime lighting associated with stockpile construction will not be necessary, in order to make certain no impacts will result from lighting, a mitigation measure should be adopted to require that no nighttime lighting be used.

**Response #24 (Aesthetic):**

The Badlands Landfill is permitted to operate from 4:00 a.m. to 8:00 p.m. This alone would require night lighting. Therefore, banning nighttime lighting at the landfill is unreasonable. As thoroughly discussed in EA 39813, the landfill operation's own night lighting effect is insignificant, due to the fact that the landfill is situated in a very secluded region with very few neighboring residences and ample open space and topography as buffer. Moreover, the landfill operation does not have a night glare impact, as the landfill is located outside of the General Plan's Mount Palomar Nighttime Lighting Policy Area.

**J&S Comment #25 (Cultural/Paleontological Resources):**

The mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground.

**Response #25 (Cultural/Paleontological Resources):**

The Project's insignificant impact to cultural resources determination applies to both surface and subterranean cultural resources and was based on a substantial evidence from records and literature searches, a site reconnaissance survey, and consultation with Native American performed by a professional archaeological consultant. The MND has already included 2 mitigation measures (i.e., Mitigation Measures 1 and 2 on pages 62 and 63) that deal with the unlikely encountering of subterranean resources and the proper handling of these resources, including in-situ preservation as a practical option.

**J&S Comment #26 (Cultural/Paleontological Resources):**

Mitigation Measure 3 - Paleontological Resources, permits only temporary halts upon discovery of paleontological/cultural resources, although longer halts and delays may be necessary to properly record and remove resources. Further mitigation is feasible. The Mitigation Measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job.

**Response #26 (Cultural/Paleontological Resources):**

**Responses to Comments**

**EA "Badlands 2010-01"**

**Page 12 of 23**

Neither does Mitigation Measure 3 preclude a prolonged halt of construction for necessary investigation and management of encountered paleontological resources nor does it encourage piecemeal resources salvage job.

**J&S Comment #27 (Cultural/Paleontological Resources):**

Some option to preserve the resources in situ should be provided in the event of discovery of extensive cultural resources.

**Response #27 (Cultural/Paleontological Resources):**

Mitigation Measures 1 and 2 on pages 62 and 63 of EA "Badlands 2010-01" have already covered this matter.

**J&S Comment #28 (Cultural/Paleontological Resources):**

Mitigation Measure I - Archaeological Resources, should require a designated monitor to be present in order to determine the presence of and look for archaeological resources during project implementation.

**Response #28 (Cultural/Paleontological Resources):**

This is an unwarranted mitigation for a site that has been determined to have low probability for cultural resources occurrence.

**J&S Comment #29 (Cultural/Paleontological Resources):**

If "significant resources are recovered," thereafter archaeological monitoring should be *required* under Mitigation Measure 5 - Archaeological Resources, in order to ensure that impacts are reduced below a level of significance.

**Response #29 (Cultural/Paleontological Resources):**

Comment acknowledged. Mitigation Measure 5 on page 63 of the EA is revised as follows:

*The Riverside County Waste Management Department shall designate repositories in the event that significant resources are recovered. Archaeological monitoring for ground disturbing activities thereafter to the completion of the Project should be performed, if recommended by the qualified archaeologist who has evaluated and processed the recovered significant resources.*

**J&S Comment #30 (Recreation):**

The MND concludes that the Project will not induce population growth. Yet, this Project creates room for more landfill waste and therefore indirectly supports increased development. The MND fails to adequately analyze or discuss the likelihood that this Project will induce population growth.

**Response #30 (Recreation):**

See Response #12 (Population and Housing) pertaining to the contention of waste-induced population growth. In Riverside County, landfill sites are compatible with certain recreational facilities, such as the old De Anza Motor Cycle Park adjacent to the Badlands Landfill. Further,

closed landfill sites have provided recreational opportunities in the cases of the Double Butte and Menifee Landfills, where the former accommodates equestrian trails and the latter used as a model airplane park.

**J&S Comment #31 (Greenhouse Gas Emissions):**

Not all feasible mitigation measures were adopted in order to reduce greenhouse gas emissions to below a level of significance.

**Response #31 (Greenhouse Gas Emissions):**

CEQA does not require the adoption of all known feasible mitigation measures for an identified potential significant impact. CEQA only requires mitigation that could avoid significant adverse impacts, or minimize or reduce such impacts to insignificance levels. The mitigation measures recommended for reducing GHG emissions are comprehensive and adequate, in compliance with CEQA.

**J&S Comment #32 (Greenhouse Gas Emissions):**

The MND fails to address the potential for this project to induce population growth in the area and therefore GHG emissions.

**Response #32 (Greenhouse Gas Emissions):**

See Response #12 (Population and Housing) pertaining to the allegation of waste-induced population growth.

**J&S Comment #33 (Greenhouse Gas Emissions):**

Mitigation Measure 10 - Greenhouse Gas Emissions, is not fully enforceable as it only requires that the existing on-site materials reuse and recycling operations be enhanced in order to facilitate community recycling through programs/events and public education opportunities, if *feasible*. Instead, this should be *required* in order to decrease waste and GHG emissions.

**Response #33 (Greenhouse Gas Emissions):**

Mitigation Measure 10 will be enforced when the Project is implemented and the WRP built. The current on-site waste materials salvaging and recycling operation is constrained by space and safety concerns. The development of the WRP under the Project is intended to correct these circumstances, thus enabling expansion and enhancement of the recycling operation.

## Comments by Department of Toxic Substances Control

### DTSC Comment #1:

The ND (Negative Declaration) should evaluate whether conditions within the Project area may pose a threat to human health or the environment.

### Response #1:

The Project is to revise the operation permit of the Badlands Landfill, an active Class III sanitary landfill, which has been in operation since 1966 and permitted to accept non-hazardous municipal solid waste (MSW). Therefore, the Project site is not a listed hazardous materials site. However, hazardous waste (HW) is sometimes found in the MSW delivered to the landfill by residents and businesses. In compliance with federal and State regulations, a load checking/waste inspection program has been implemented at the landfill with the objective of minimizing or eliminating inadvertent disposal of HW at the landfill site. EA 39813, which is incorporated by reference into EA "Badlands 2010-01" (Project EA) and made available for public review along with the Project EA, discussed in detail the existing waste inspection program and future on-site HW management at a permanent household hazardous waste facility (PHHWF). The potential threat of HW to human health or the environment at the Badlands Landfill site has been evaluated in the environmental assessment documents for the Project and determined to be insignificance with implementation of the mitigation measures and best management practices (BMP) recommended in both EA's.

### DTSC Comment #2:

The ND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

### Response #2:

The Badlands Landfill site is not a listed hazardous materials site. HW management under the load checking/waste inspection program at the landfill is regulated and scrutinized by the Riverside County Department of Environmental Health, a local Certified Unified Program Agency (CUPA). The Project may involve development on top of Stockpile 1 of a PHHWF, which will also be subject to CUPA and DTSC permitting and oversight. In the unlikely event that any site within the Project area may be contaminated or that a previous contamination site is discovered during Project implementation, Project activities within the contamination area will be temporarily suspended, so that a thorough investigation of the nature and extent of the contamination can be conducted in coordination with the CUPA. Dependent upon the extent of contamination, the investigation result may call for a regular cleanup and/or more extensive remediation actions, which will have to be completed prior to Project implementation resumes. Remediation actions will be scrutinized by the CUPA and likely involve regulatory oversight by other State agencies with the jurisdiction to do so, such as the DTSC and Santa Ana Regional Water Quality Control Board (SARWQCB), dependent upon the type of contaminant and environmental resource(s) affected.

**DTSC Comment #3:**

Any environmental investigations, sampling and/or remediation for a site should be conducted under a workplan approved and overseen by a regulatory agency that has jurisdiction to *oversee* hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found *above* regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the ND.

**Response #3:**

The Badlands Landfill operation has never been subject to a hazardous substance investigations, sampling, and/or remediation required by the CUPA, DTSC, or SARWQCB. Therefore, no record of on-site hazardous substance contamination is provided in EA "Badlands 2010-01." Should any site contamination by hazardous substances occur during Project implementation, the standard response procedures described in the above Response #2 will be followed to ensure environmental protection and documented to facilitate future environmental review, including oversight by an appropriate regulatory agency.

**DTSC Comment #4:**

If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

**Response #4:**

The Project will not involve any planned demolition of building structures. When Stockpile 2 is built, the existing field office building and its water supply storage tank will be relocated, the concrete/asphalt-paved access road to the office area vacated, the asphalt-paved parking lot for the field office and concrete foundation of the relocated water storage tank demolished. The concrete/asphalt waste is a non-hazardous substance and can be reused as road base elsewhere on the landfill property. Nonetheless, a general inspection of the conditions of the concrete/asphalt structures by the landfill's hazardous material staff for signs of potential contamination will be performed prior to demolition and reuse. Any potentially contaminated material will be tested for determination of proper treatment methods. No contaminated concrete/asphalt waste will be reused on the landfill site.

**DTSC Comment #5:**

Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

**Response #5:**

The Project will only involve excavation and then stockpiling of uncontaminated, native soil on-site. Unless suspected contamination is encountered within the Project area during Project implementation, no soil sampling will be necessary.

**DTSC Comment #6:**

Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

**Response #6:**

The Project will not involve construction or demolition activities that may cause a release of HM. There have not been any known releases of HM within the Project area. The potential of HM releases from the operation of the future PHHWF, if built, that may pose a risk to human health or the environment is rendered insignificant with the implementation of all the mitigation measures and BMPs identified in the Mitigation Monitoring Program (MMP) for the Project.

**DTSC Comment #7:**

If the site was used for agricultural, livestock or related activities, on site soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

**Response #7:**

There is no record that the Badlands Landfill property has ever been used for agricultural, livestock, or related activities.

**DTSC Comment #8:**

DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties.

**Response #8:**

Comment acknowledged.

**DTSC Comment #9:**

Also, in future CEQA documents, please provide your e-mail address. So DTSC can send you the comments both electronically and by mail.

**Response #9:**

Comment acknowledged.

## Comments by CalRecycle

### CalRecycle Comment #1:

The site is currently, based on the 2005 Solid Waste Facility Permit, 246 total acres, of which 150 acres are designated for disposal. The environmental document indicates under the Minor Project Component that the overall permitted area will increase from 246 acres to 278 acres. This is a total of 32 acres more than the currently Total Permitted Area for the landfill. *Based on a review of the Site Plan, Exhibit 7 of the environmental document, it appears that the existing and proposed project falls within the 278 total acres. If this analysis is not correct, please clarify what is the total acreage.*

### Response #1:

By definition, permitted landfill area (PLA) encompasses all acreages of landfill activity areas, including disposal footprint, soil stockpiling/borrow sites, roads, ancillary facilities, etc. The Project needs to modify the existing PLA to include: (i) the proposed soil stockpile footprint and road realignment; and (ii) the adjustments to current grading limits in light of new survey data. As a result, the new PLA will encompass a total of 278 acres within which all landfill activities permitted by the revised SWFP will occur.

### CalRecycle Comment #2:

The environmental document also indicates under the Minor Project Component that there will be minor adjustments to the currently permitted grading limits. *Would these adjustments result in changes in the permitted design capacity and site life? Please advise CalRecycle what changes there will be, if any, to the design capacity and site life.*

### Response #2:

The minor adjustments to the current grading limits are necessary responses to address slope stability and drainage, based on new survey data, and will primarily occur on the southwest perimeter of the existing PLA. The adjustments will slightly change the PLA configuration to add new and remove existing acreages. The adjustments will not change the current 150-acre refuse footprint, and thus, it will not affect the permitted design capacity. The current projected site life, however, is expected to change as a result of lower disposal rates. Any changes, such as grading limits, permitted design capacity, and site life, have been assessed and are included in the proposed permitting documents pending permit revision with CalRecycle.

### CalRecycle Comment #3:

*While responses to our comments are not required by statute or regulation, by responding, it will increase CalRecycle staff's understanding of your project and facilitate the review of future permits submitted for concurrency by CalRecycle.*

### Response #3:

Comment acknowledged.



**CalRecycle Comment #4:**

*CalRecycle staff requests copies of any subsequent environmental documents including the Report of Facility Information, copies of public notices and any Notices of Determination for the project be sent to the Permitting and Assistance Branch. Refer to 14CCR, Section 15075(d) that states:*

*"If the project requires a discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse]."*

**Response #4:**

Comment acknowledged.

**CalRecycle Comment #5:**

*If the document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notification of the date of the adoption and project approval by the decision-making body,*

**Response #5:**

The Project and EA "Badlands 2010-01" are scheduled for a public hearing by the Riverside County Board of Supervisors on January 25, 2011. The RCWMD will notify CalRecycle of any change to this schedule.

## Comments by Native American Heritage Commission

### NAHC Comment #1:

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a), and Native American Cultural Resources were not identified within one-half mile of the Area of Potential Effect (APE). However, there are Native American cultural resources in very close proximity to the APE. It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (APE).

### Response #1:

The Mitigated Negative Declaration for the EA "Badlands 2010-01" is revised to modify Mitigation Measure 5 and add Mitigation Measure 8 on page 63, as follows:

#### Mitigation Measure 5

*The Riverside County Waste Management Department shall designate repositories in the event that significant resources are recovered. Archaeological monitoring for ground disturbing activities thereafter to the completion of the Project should be performed, if recommended by the qualified archaeologist who has evaluated and processed the recovered significant resources.*

#### Mitigation Measure 8

*The Riverside County Waste Management Department shall consult with the Native American tribes as having affiliation with the Project region, upon identification of significant Native American cultural resources during Project implementation.*

### NAHC Comment #2:

The NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data.

### Response #2:

According to the Phase 1 Archaeological Resources Assessment study performed for the Project by PCR Services Corporation, a record search through the CHRIS-EIC at the University of California, Riverside was already conducted, and its results incorporated and evaluated in the study.

**NAHC Comment #3:**

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470(f) et seq.), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq.) and NAGPRA (25 U.S.C.3001-3013), as appropriate...Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

**Response #3:**

In September 2008, PCR conducted a SLF search of the Project area through the NAHC and conducted follow-up consultation with Native American groups and/or individuals identified by the NAHC as having affiliation with the Project region. Ten Native American organizations were contacted via certified mail. Only one Native American individual affiliated with the Soboba Band of Luiseño Indians responded and recommended further consultation, since the Project area falls within their Tribal Traditional Use Area. Mitigation Measure 8 (see above response #1) is added to the MND to ensure that further consultation with the Project area's Native American groups will be done.

**NAHC Comment #4:**

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archaeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

**Response #4:**

As clearly described in the EA "Badlands 2010-01," no significant cultural resources were identified on the Project site or surrounding areas. The Phase 1 study by PCR concludes that the site is unlikely to contain significant historic and prehistoric cultural resources due to its unsuitability to inhabitation in historic and prehistoric times. Appropriate mitigation measures have been recommended to deal with the unlikely identification of significant resources during project implementation. In particular, EA "Badlands 2010-01" has recommended two mitigation measures that address accidental discovery of human remains during Project implementation.

**NAHC Comment #5:**

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission (NAHC) if the initial study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

**Responses to Comments**

**EA "Badlands 2010-01"**

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**Response #5:**

The Mitigated Negative Declaration for EA "Badlands 2010-01" is revised to modify Mitigation Measure 7 on page 63, as follows:

*If human remains are determined to be of Native American descent, the coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours for identification of the Most Likely Descendent of the deceased Native American and to ensure the appropriate and dignified treatment of the human remains and any associated grave liens.*

**NAHC Comment #6:**

Health & Safety Code §7050.5, Public Resources Code §5097.98 and §15064.5(d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

**Response #6:**

Mitigation Measure 6 and revised Mitigation Measure 7 on page 63 of EA "Badlands 2010-01" address this matter.

## Comments by the City of Moreno Valley

### **MV Comment #1:**

The document states that "an alternative to the proposed stockpiling operation is envisioned whereby the 250,000 CY of soil from the C4P3 liner construction would be exported for use by permitted construction projects." It would appear that the impacts associated with implementing Stockpile 1 at the site would generally be considerably less intense than those associated with exporting 250,000 cubic yards of material to other sites. Was the export already considered as part of the prior environmental reviews associated with the site? If so, then there wouldn't be a need to discuss the impacts of the export in detail, but we feel that there should at least be a brief comparison of the impacts of the stockpile with the alternative of the export.

### **Response #1:**

The environmental impacts of the soil export scenario would not be more intense than the Project's. Rather, they would be less intense, because: 1) the Project Alternative will only involve soil excavation activities at the C4P3 liner construction site and not soil stockpiling activities; and 2) construction of Stockpiles 1 and 2 will be deferred and performed over a longer period of time by the landfill operator, and thus, it will involve less intense use of equipment. For example, the soil export alternative is expected to result in less PM<sub>10</sub> emissions on-site, because there won't be double handling/movement of soil, first at the excavation site and then in the stockpiling area. Since the Project is already determined not to result in any significant impacts on the environment that cannot be mitigated to insignificance level, the lesser impacts of the Project Alternative are also determined to be insignificant by reason of proportion.

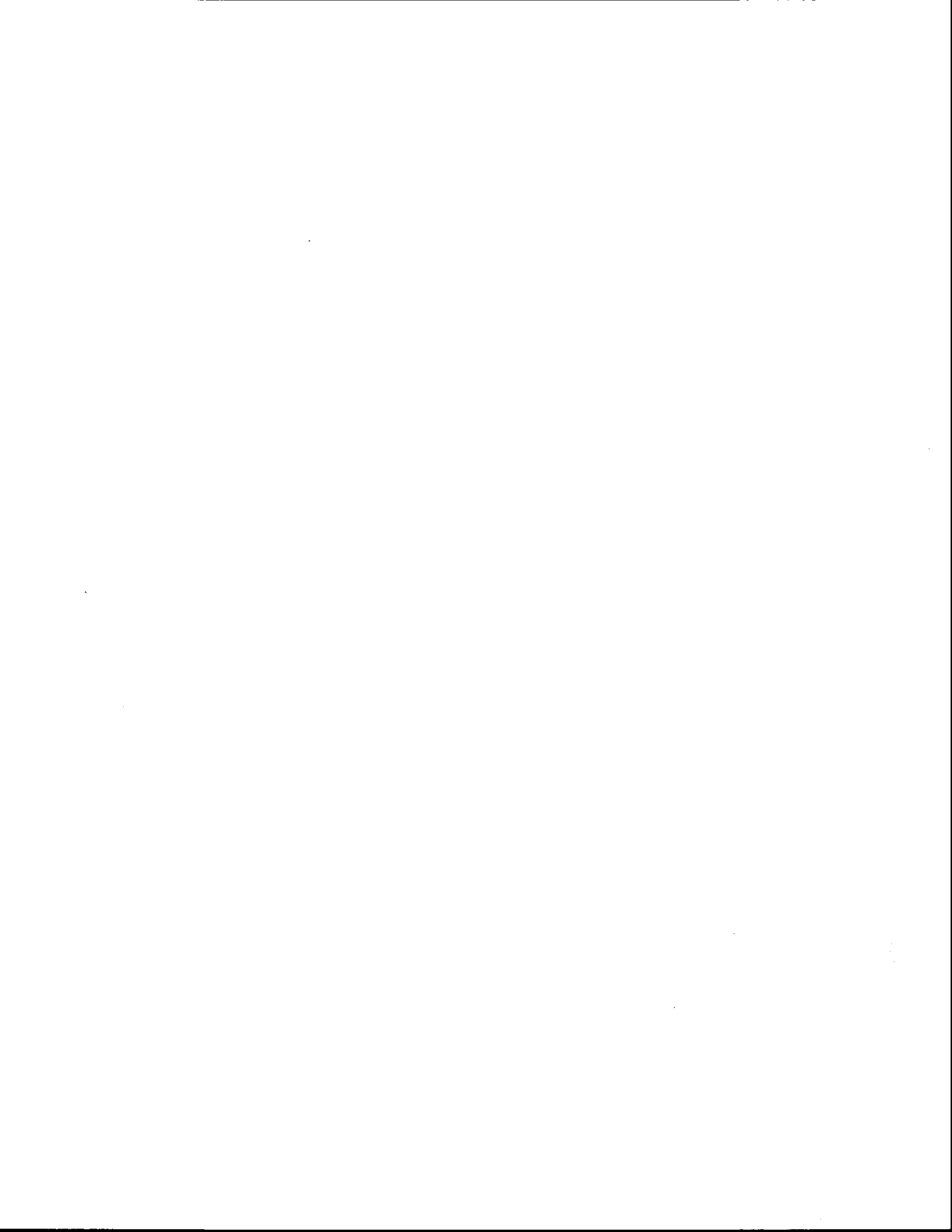
Soil export was not considered as part of the prior environmental reviews associated with the Badlands Landfill; however, potential environmental impacts associated with the soil export will have already been assessed in the CEQA review for the offsite construction project(s) that are permitted to import soil. Any offsite, permitted construction project assessments are beyond the scope of EA "Badlands 2010-01." Notwithstanding the above, traffic is the only additional local impact that would directly result from the Project Alternative. EA "Badlands 2010-01" has analyzed the potential traffic impact from the soil export vehicle trips and concluded that the potential impact will be insignificant.

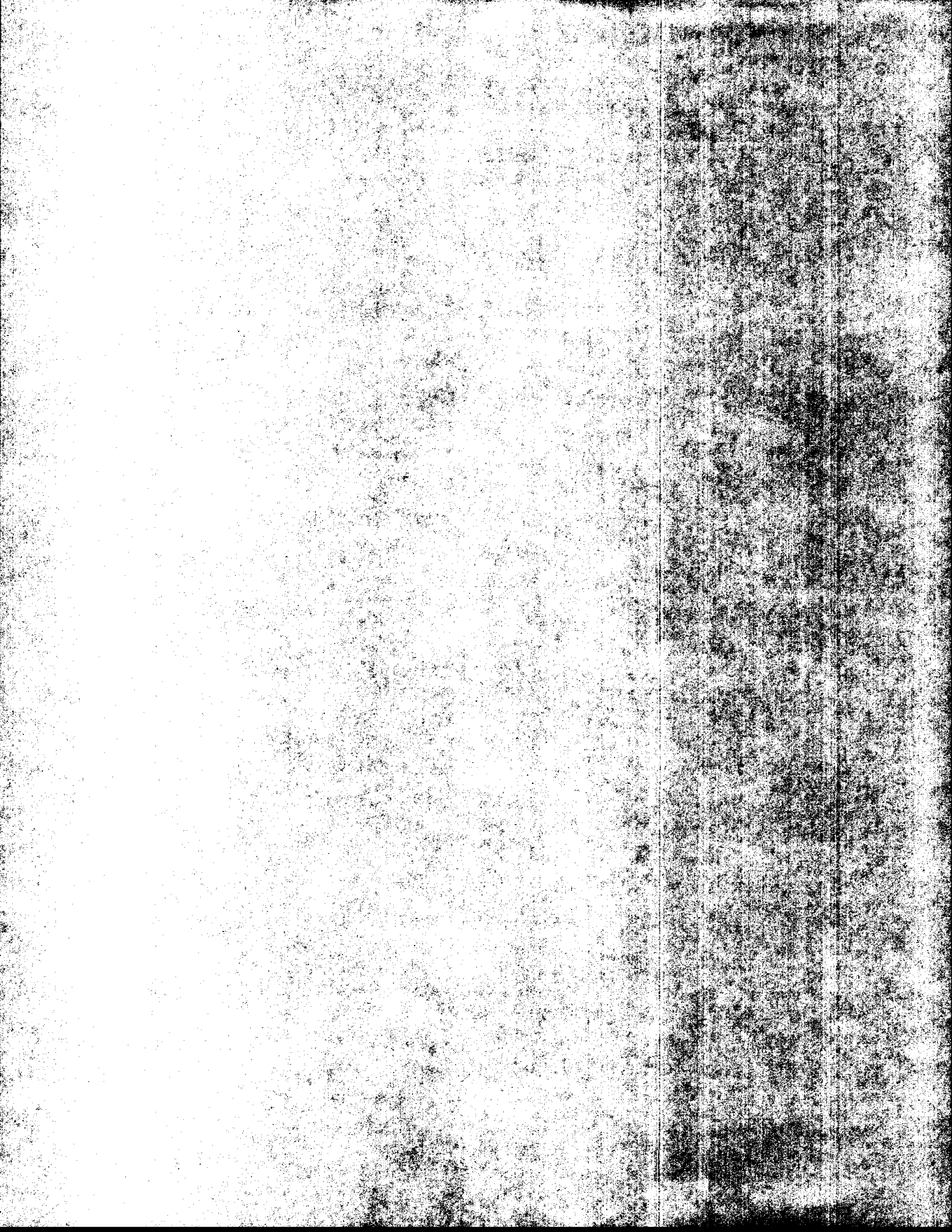
### **MV Comment #2:**

While there is discussion under the Transportation/Circulation section that the trips associated with the export would be within the scope of the existing permit, there isn't enough discussion of the impacts associated with the export. For example, the document states that the daily hauling traffic associated with the export would not exceed 350 truck-loads per day, but does not mention the number of days of hauling that would be needed to complete the export of 250,000 cubic yards. We believe that the stockpile approach would be superior to the alternative to export soil from an environmental standpoint, but the document doesn't currently provide enough information about the export to reach this conclusion.

**Response #2:**

As analyzed and concluded in EA "Badlands 2010-01" and reiterated in Response #1, the Project Alternative's soil export traffic would not significantly impact local traffic because the truck trips will not cause the total daily landfill traffic to exceed its current permitted maximum volume of 612 vehicles. For the same reason, the number of days of this offsite soil hauling operation has insignificant environmental implication, as far as traffic impact is concerned. The potential environmental effects of the soil export to offsite permitted construction project(s) will have already been assessed and cleared for implementation in terms of CEQA. In other words, these potential environmental effects are not the results of the Project Alternative; therefore, they don't need to be discussed in the Project's EA. EA "Badlands 2010-01" has analyzed and determined that the Project Alternative is superior to the Project from an environmental standpoint, on the basis that the Project Alternative will involve less intense equipment use for construction of the two stockpiles. The soil export for the C4P3 liner construction will relieve the immediate need for construction of Stockpile 1, thus allowing for an extended time for and slower-paced construction by the landfill operator using the existing landfill equipment.











Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

November 30, 2010

Sung Key Ma  
Riverside County  
14310 Fredrick Street  
Riverside, CA 32553

Subject: Badlands Landfill Solid Waste Facility Permit Revision  
SCH#: 2010101090

Dear Sung Key Ma:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 29, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT  
10 DEC -6 AM 8:23

SCANNED # 96030  
12/6/10

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010101090  
**Project Title** Badlands Landfill Solid Waste Facility Permit Revision  
**Lead Agency** Riverside County

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**Type** **Neg** Negative Declaration  
**Description** To revise the current Solid Waste Facility Permit primarily to establish a new soil stockpiling area, modify the permitted landfill area, and relocate a permitted but not yet built Waste Recycling Park to the top of a future stockpile.

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**Lead Agency Contact**

**Name** Sung Key Ma  
**Agency** Riverside County  
**Phone** 951-486-3283  
**email**  
**Address** 14310 Fredrick Street  
**City** Riverside  
**State** CA **Zip** 32553  
**Fax**

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**Project Location**

**County** Riverside  
**City** Moreno Valley  
**Region**  
**Lat / Long**  
**Cross Streets** Theodore St. and Ironwood Ave  
**Parcel No.** 413-140-023,-024,-030,-033,-034,-036  
**Township** 2S **Range** 2W **Section** 31,32 **Base** SBB&M

---

**Proximity to:**

**Highways** Hwy 60  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Existing sanitary landfill; W-2(Controlled Development)

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Landuse; Forest Land/Fire Hazard; Drainage/Absorption; Flood Plain/Flooding; Minerals; Noise; Public Services; Soil Erosion/Compaction/Grading; Solid Waste; Water Quality; Vegetation; Traffic/Circulation; Toxic/Hazardous; Wildlife; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 10/28/2010 **Start of Review** 10/28/2010 **End of Review** 11/29/2010



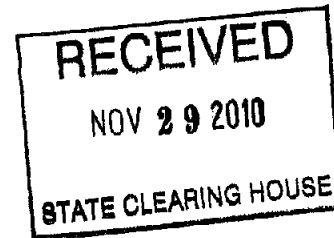
## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

November 29, 2010

Mr. Sung Key Ma, Planner IV  
Riverside County  
Waste Management Department  
14310 Frederick Street  
Moreno Valley, CA 92553

Clear  
11/29/10  
p.



**Subject: SCH No. 2010101090:** Proposed Initial Study/Mitigated Negative Declaration for Badlands Sanitary Landfill, Solid Waste Facilities Permit (SWFP) No. 33-AA-0006, Riverside County

Dear Mr. Ma:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

CalRecycle staff has reviewed the environmental document cited above and offer the following project description, analysis, and our recommendations for the proposed project based on CalRecycle staff's understanding of the project. If CalRecycle's project description varies substantially from the project as understood by the Lead Agency, CalRecycle staff requests notification of any significant differences before adoption of this proposed Initial Study/Mitigated Negative Declaration and approval of the project. Significant differences in the project description could qualify as "significant new information" about the project that would require recirculation of the document before adoption pursuant to CEQA Section 15073.5 or possibly the preparation of a new environmental document.

**PROJECT DESCRIPTION**

The Riverside County Waste Management Department, acting as Lead Agency, is proposing:

- To add a new soil stockpiling operation to provide long term storage of clean soil;
- To increase the overall acreage of the existing landfill from 246 acres to 278 acres;
- To provide space for development of future landfill related activities, including but not limited to; a Waste Recycling Park and landfill field offices on top of a future stockpile;
- To prepare the existing borrow area for future landfill operations by relocating the remaining stockpiled clean dirt in it to the project site for long term storage;
- To provide an approximately 3-acre planed partial realignment of the said access road for improvement of equipment traffic safety; and
- Minor adjustments to the current permitted grading limits.



**Entitlements for the Badlands Landfill - Current and Proposed**

	<b>2005 SWFP</b>	<b>Proposed</b>
Permitted Area	246 acres	278 acres
Waste Disposal Permitted Area	150 acres	No Change
Maximum/Peak Permitted Tonnage	4000 tons per day	No Change
Maximum/Peak Permitted Traffic	612 vehicles per day	No Change
Maximum Disposal Elevation	2460 Feet Above Mean Sea Level	No Change

The Initial Study Environmental Checklist indicated seven environmental issues which had impacts classified as Potentially Significant Unless Mitigation Incorporated; Seismicity/Soils/Slopes, Water, Air Quality, Public Health and Safety, Noise, Utilities and Service Systems and Greenhouse Gas Emissions. Through mitigation measures they were all reduced to a level of less than significant. All other environmental issues reviewed were either No Impact or Less than Significant Impact. The Lead Agency made a Mandatory Finding of Significance of Less Than Significant Impact with Mitigation for the proposed project.

**CALRECYCLE COMMENTS AND QUESTIONS**

For clarity and convenience, questions and comments that CalRecycle staff especially wants to bring to your attention and may be seeking specific responses to will be *italicized* so the reader can more easily locate them. CalRecycle staff will also make statements, which, in their opinion are fact, if these statements are incorrect or unclear please notify CalRecycle staff. The proponent or operator of a proposed project is not given tacit approval of an action or activity by that action or activity not being specifically prohibited in the environmental document.

**Permitted Area**

The site is currently, based on the 2005 Solid Waste Facilities Permit, 246 total acres of which, 150 acres are designated for disposal. The environmental document indicates under the Minor Project Component that the overall permitted area will increase from 246 acres to 278 acres. This is a total of 32 acres more than the currently Total Permitted Area for the landfill. *Based on a review of the Site Plan, Exhibit 7 of the environmental document, it appears that the existing and proposed project falls within the 278 total acres. If this analysis is not correct please clarify what is the total acreage.*

The environmental document also indicates under the Minor Project Component that there will be minor adjustments to the currently permitting grading limits. *Would these adjustments result in changes in the permitted design capacity and site life? Please advise CalRecycle what changes there will be if any to the design capacity and site life.*

## SUMMARY

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

*While responses to our comments are not required by statute or regulation, by responding, it will increase CalRecycle staff's understanding of your project and facilitate the review of future permits submitted for concurrence by CalRecycle.*

*In the future, for this or any other project that CalRecycle is a Responsible Agency for, please send copies of all Notice(s) of Exemption or Addendum(s) that your office uses for any changes in any Solid Waste Facilities Permit.*

*CalRecycle staff requests copies of any subsequent environmental documents including the Report of Facility Information, copies of public notices and any Notices of Determination for this project be sent to the Permitting and Assistance Branch. Refer to 14CCR, Section 15075(d) that states:*

*If the project requires a discretionary approval from any state agency, the local lead agency shall also, within five working days of this approval, file a copy of the notice of determination with the Office of Planning and Research [State Clearinghouse].*

*If the document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notification of the date of the adoption and project approval by the decision-making body.*

If you have any questions regarding these comments, please contact me at 951.782.4168 or email me at [dianne.ohiosumua@calrecycle.ca.gov](mailto:dianne.ohiosumua@calrecycle.ca.gov).

**Note:** *All correspondence related to this letter and for staff of the Permitting and Assistance Branch/Permits and Certification Division should continue to be sent to 1001 I Street, P.O. Box 4025, Sacramento, CA 95812. Correspondence specifically for the attention of the Director of CalRecycle should be sent to the address in the letterhead.*

Sincerely,



for  
Dianne Ohiosumua  
Permits and Certification Division  
Permitting and Assistance Branch  
Department of Resources Recycling and Recovery

cc: Virginia Rosales, Supervisor  
Permits and Certification Division  
Permitting and Assistance Branch  
Department of Resources Recycling and Recovery

Susan Markie, Manager  
Permits and Certification Division  
Permitting and Assistance Branch  
Department of Resources Recycling and Recovery

Alice Beasley, EHS IV  
Riverside County  
Community Health Agency  
Department of Environmental Health  
P. O. Box 1280  
Riverside, CA 92502-1280



Linda S Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

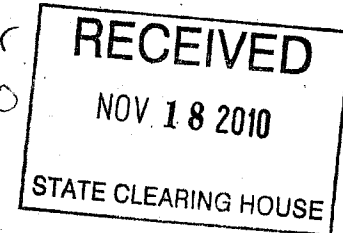
Maziar Movassaghi  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

November 17, 2010

Ms. Sung Key Ma, Urban Regional Planner IV  
Riverside County Waste Management Department  
14310 Frederick Street  
Moreno Valley, California 92553



### NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE BADLANDS LANDFILL SOILD WASTE FACILITY PERMIT REVISION PROJECT (SCH# 2010101090), RIVERSIDE COUNTY

Dear Ms. Ma:

The Department of Toxic Substances Control (DTSC) has received your submitted Environmental Assessment (EA) and purposed draft Negative Declaration (ND) for the above-mentioned project. The following project description is stated in your document: "The project addressed in this EA) is a revision to the current Solid Waste Facility Permit (SWFP) of the Badlands Landfill. Specifically, it involves establishment of a soil stockpiling site in a small canyon area near the landfill entrance as well as revising the permitted landfill Area (PLA). The Badlands Landfill, which has been in operation since 1966, is owned and operated by the Riverside County Waste Management Department (RCWMD) and is defined as a Class III sanitary landfill facility by Title 27, Section 20240 through 20260 of the California Code of Regulations (CCRs). The project is located at 31125 Ironwood Avenue, just northeast of the jurisdictional boundary of the City of Moreno Valley and north of Highway 60, westerly of the City of Beaumont, in an unincorporated area of Riverside County. The project site encompasses an approximately 60.5-acre of the landfill property. The Badlands landfill property is primarily surrounded by vacant lands and open space, with the nearest residences located on Theodore Street about one mile west/southwest of the westerly property line of the landfill. The landfill site and majority of its surrounding properties are zoned W-2, or Controlled Development".

Based on the review of the submitted document DTSC has the following comments:

- 1) The ND should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:



- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
  - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
  - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
  - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
  - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
  - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
  - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
  - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All

closure, certification or remediation approval reports by regulatory agencies should be included in the ND.

- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require

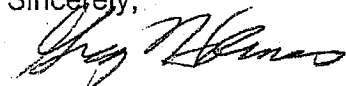
Ms. Sung Key Ma  
November 17, 2010  
Page 4

authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- 10) Also, in future CEQA documents, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at [rahmed@dtsc.ca.gov](mailto:rahmed@dtsc.ca.gov), or by phone at (714) 484-5491.

Sincerely,



Greg Holmes, Unit Chief  
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
P.O. Box 806  
Sacramento, California 95812  
[ADelacr1@dtsc.ca.gov](mailto:ADelacr1@dtsc.ca.gov)

CEQA # 3058

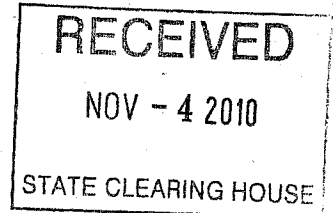
**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



November 2, 2010

Clear  
 11/29/10  
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Sung Key Ma, Urban Regional Planner IV

**Riverside County Waste Management Department**

14310 Frederick Street  
 Moreno Valley, CA 92553

Re: SCH#2010101090 CEQA Notice of Completion; proposed Negative Declaration for the Badlands Landfill Solid Waste Facility Permit Revision Project; located in the Box Springs Area and east of the City of Moreno Valley; Riverside County, California

Dear Sung Key Ma:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of the Area of Potential Effect (APE). However, there are Native American cultural resources in very close proximity to the APE. It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for

information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

  
Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse



**California Regional Water Quality Control Board**  
**Santa Ana Region**



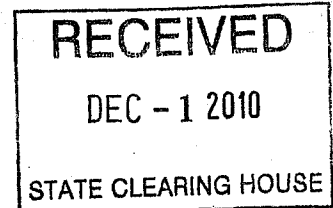
**Linda S. Adams**  
 Secretary for  
 Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
 Phone (951) 782-4130 • FAX (951) 781-6288  
 www.waterboards.ca.gov/santaana

**Arnold Schwarzenegger**  
 Governor

December 1, 2010

*Late.  
 Clear  
 11/29/10  
 e.*



Mr. Sung Key Ma ([sma@co.riverside.ca.us](mailto:sma@co.riverside.ca.us))  
 Urban Regional Planner  
 Riverside County Waste Management Dept.  
 14310 Frederick Street  
 Moreno Valley, CA 92553

**COMMENTS ON ENVIRONMENTAL ASSESSMENT "BADLANDS 2010-01" (SCH# 2010101090)**

Dear Mr. Ma:

We have reviewed the above-referenced October 2010 Environmental Assessment (EA), which we received on November 2, 2010. The EA was prepared by the Riverside County Waste Management Dept. (RCWMD), the Lead Agency, to evaluate and address potential environmental impacts resulting from the proposed new locations for soil stockpiling operations and road improvement at the Badlands Landfill. The RCWMD will ultimately place a waste recycling park and landfill ancillary facilities atop Stockpiles 1 and 2, respectively. A Mitigated Negative Declaration is proposed to be adopted for this project.

Based on our review, we have the following comments:

1. The proposed 37-acre soil stockpiling areas, Stockpiles 1 and 2, and the 3-acre road improvement area are within the property boundary for the landfill site depicted in the existing waste discharge requirements (WDRs) for the site. Therefore, stormwater discharges resulting from land disturbance and construction activities in the proposed areas are covered under the State Industrial General Permit (IGP).
2. The RCWMD is required to update the site's Stormwater Pollution Prevention Plan (SWPPP) to update best management practices (BMPs) for new construction activities and post-construction drainage and erosion control, and to update the monitoring and sampling plan in the SWPPP for new construction and industrial activities, particularly for the proposed waste recycling park operations.



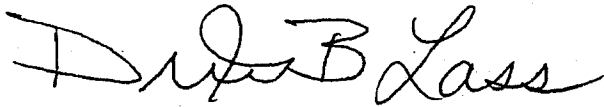
Mr. Sung Key Ma  
The RCWMD

- 2 -

December 1, 2010

If you have any questions regarding our comments, please contact Joanne Lee of my staff at (951) 782-3291, or you may contact me at (951) 782-3295.

Sincerely,



Dixie B. Lass, Chief  
Land Disposal and DoD Section

cc:

State Clearinghouse, Sacramento  
Angela Dufresne, Riverside County Waste Management Dept.  
([adufresn@co.riverside.ca.us](mailto:adufresn@co.riverside.ca.us))

Alice Beasley, Riverside County Dept. of Environmental Health, LEA  
([abeasley@rivcocha.org](mailto:abeasley@rivcocha.org))

Susan Markie, CalRecycle ([susan.markie@calrecycle.ca.gov](mailto:susan.markie@calrecycle.ca.gov))

Charlie Tupac, SCAQMD ([ctupac@aqmd.gov](mailto:ctupac@aqmd.gov))

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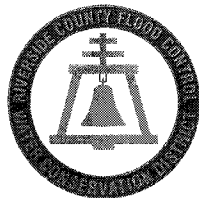
*California Environmental Protection Agency*



Recycled Paper



WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

November 24, 2010

Ms. Sung Key Ma  
Urban/Regional Planner IV  
Riverside County  
Waste Management Department  
14310 Frederick Street  
Moreno Valley, CA 92553

Dear Ms. Ma:

Re: Mitigated Negative Declaration for the  
Badlands Landfill Solid Waste Facility  
Permit Revision - Environmental  
Assessment "Badlands 2010-01"

This letter is written in response to the Mitigated Negative Declaration (MND) for the Badlands Landfill Solid Waste Facility Permit Revision project. The proposed project would include a new stockpiling area, realignment of an access road, revision of the acreage and configuration of the permitted landfill area, and relocation of the permitted Waste Recycling Park site. The proposed project is located at 31125 Ironwood Avenue, just northeast of the jurisdictional boundary of the city of Moreno Valley and north of Highway 60, westerly of the city of Beaumont, in an unincorporated area of Riverside County. The Riverside County Flood Control and Water Conservation District has no comments at this time.

Thank you for the opportunity to review the MND. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to Jason Swenson at 951.955.8082 or me at 951.955.1233.

Very truly yours,

A handwritten signature in cursive script that reads "Arturo Diaz".

ARTURO DIAZ  
Senior Civil Engineer

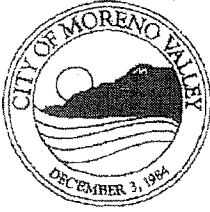
cc: TLMA  
Attn: Kristi Lovelady  
Jason Swenson

JDS:mcv  
P8\134289

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT  
09 NOV 30 PM 12:51

COPIES # 95887

By:   
Date: 11/30/10

**Community Development Department****Planning Division**

14177 Frederick Street

P. O. Box 88005

Moreno Valley CA 92552-0805

Telephone: 951.413-3206

FAX: 951.413-3210

November 17, 2010

David Day  
Environmental Health Specialist  
Riverside County Community Health Agency  
Department of Environmental Health  
P.O. Box 1280  
Riverside, CA 92502

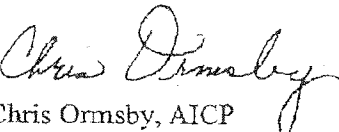
Subject: Comments Regarding Environmental Assessment for Badlands Landfill Solid Waste  
Facility Permit Revision

Dear Mr. Day:

Planning staff has reviewed the proposed Environmental Assessment for the Badlands Landfill Solid Waste Facility Permit Revision. The document states that "an alternative to the proposed stockpiling operation is envisioned whereby the 250,000 CY of soil from the C4P3 liner construction would be exported for use by permitted construction projects." It would appear that the impacts associated with implementing Stockpile 1 at the site would generally be considerably less intense than those associated with exporting 250,000 cubic yards of material to other sites. Was the export already considered as part of the prior environmental reviews associated with the site? If so, then there wouldn't be a need to discuss the impacts of the export in detail, but we feel that there should at least be a brief comparison of the impacts of the stockpile with the alternative of the export.

While there is discussion under the Transportation/Circulation section that the trips associated with the export would be within the scope of the existing permit, there isn't enough discussion of the impacts associated with the export. For example, the document states that the daily hauling traffic associated with the export would not exceed 350 truck-loads per day, but does not mention the number of days of hauling that would be needed to complete the export of 250,000 cubic yards. We believe that the stockpile approach would be superior to the alternative to export soil from an environmental standpoint, but the document doesn't currently provide enough information about the export to reach this conclusion.

Sincerely,

  
Chris Ormsby, AICP  
Senior Planner

  
John C. Terell, AICP  
Planning Official

# Johnson Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP

26785 Camino Seco, Temecula CA 92590

E-mail: EsqAICP@Wildblue.net

Carl T. Sedlack, Esq., *Retired*

Abigail A. Broedling, Esq.

Kimberly Foy, Esq.

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Abby.JSLaw@Gmail.com

Kim.JSLaw@Gmail.com

Sarah.JSLaw@Gmail.com

Telephone: 951-506-9925

Facsimile: 951-506-9725

November 17, 2010

Riverside County Waste Management Department

Attn: Sung Key Ma, Urban/Regional Planner

14310 Frederick Street

Moreno Valley, CA 92553

Fax: (951) 486-3205

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT  
10 NOV 18 AM 11:35

**RE: Mitigated Negative Declaration for the Badlands Landfill Solid Waste Facility Permit Revision, Environmental Assessment "Badlands 2010-01"; SCH# 2010101090**

Greetings:

This firm submits the following comments on behalf of area residents after reviewing the Mitigated Negative Declaration for the Badlands Landfill Solid Waste Facility Permit Revision; State Clearinghouse (SCH) No. 2010101090.

## General Comments:

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Separate activities and developments must be evaluated as one CEQA project where one activity is a foreseeable consequence of the other, where one activity is a future expansion of the first "that will change the scope of the first activity's impacts," and where both "are integral parts of the same project." (CEQA Guidelines § 15165; *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal. App. 4th 690, 698.) Unfortunately, the Project fails to analyze the impacts associated with the future development of the Permanent Household Hazardous Waste Facility (PHHWF).

CEQA allows for a Mitigated Negative Declaration to be prepared only when "[r]evisions in the project plans or proposals made by, or agreed to by the applicant... would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur." (CEQA Guidelines § 15070.) In this way CEQA goes beyond its informational role to require that when a Mitigated Negative Declaration is prepared for a project, that project impacts be mitigated to the extent that no significant effects on the environment will occur. Moreover,

all mitigation measures required in the MND must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. This is unacceptable.

### **Project Overview:**

This is a proposal by the Riverside County Waste Management Department (RCWMD) to revise the Solid Waste Facility Permit (SWFP) for the Badlands Landfill, a 1,168 acre Class III municipal solid waste landfill in existence since 1966. The Project is located at 31125 Ironwood Avenue just northeast of Moreno Valley and north of Highway 60 in an unincorporated area of Riverside County within the upper portion of the San Timoteo Badlands. The Project site is zoned W-2 (Controlled Development) and encompasses approximately 60.5 acres.

A total of 246 acres of the Landfill are currently permitted for facilitating the disposal of municipal solid waste for the City of Moreno Valley and surrounding cities and unincorporated communities. Revision of the Permit would establish two new soil stockpiling areas for a total storage capacity of up to 1.75 million cubic yards and relocate a permitted but not yet built Waste Recycling Park (WRP) and future landfill offices to the top of the future stockpiles. Revision of the Permit would also expand the existing Permitted Landfill Area (PLA) from 246 acres to 278 acres in order to accommodate: the proposed double soil stockpile footprint; an emergency access road constructed outside of the southwestern border of the PLA; an approximately 3-acre planned partial realignment of the aforementioned access road; and minor adjustments to the current permitted grading limits. In the future, it is expected that a Permanent Household Hazardous Waste Facility (PHHWF) will be developed at the WRP.

The first stockpile (Stockpile 1) would provide long term storage for up to 750,000 cubic yards of soil, 250,000 cubic yards of which will be excavated from the upcoming Canyon 4 Phase 3 (C4P3) liner construction phase and 500,000 cubic yards of which would be relocated from an existing soil stockpile in Canyon 6. The second stockpile (Stockpile 2) would provide long term storage of up to 1,000,000 cubic yards of soil. Stockpile 2 would store the remaining soil from the existing stockpile at Canyon 6 and any soil resulting from the future liner construction phases within Canyon 5 and Canyon 6.

The landfill accepts municipal solid waste (MSW) from 4:00 AM to 8:00 PM, Monday to Saturday while ancillary activities are performed 24 hours/day, 7 days/week. The Project area is surrounded by residences on Theodore Street, about one mile west/southwest of the westerly property line; an Multiple Species Habitat Conservation area to the west; State Department of Parks and Recreation to the north, and Riverside County Regional Park and Open Space District property to the east.

The Mitigated Negative Declaration (MND) incorporates by reference Environmental Assessment No. 39813 for a revised permit for the Badlands Landfill, for which a MND was adopted by the Riverside County Board of Supervisors in May 2005.

### **Alternatives:**

The MND notes that an alternative to the proposed stockpiling operation would be to export the 250,000 cubic yards of soil from C4P3 liner construction to use by other permitted

construction permits. This would result in Stockpile 1 being constructed entirely of soil transferred from the existing stockpile in Canyon 6. The MND alleges that this would result in allowing for the daily soil movement activity to be reduced to such a degree that environmental effects would be minimal. Yet, the MND fails to analyze the environmental effects of this alternative. Therefore the MND fails as an informational document.

### **Project Description**

The project description fails to mention that it is expected that a Permanent Household Hazardous Waste Facility (PHHWF) will be constructed at the WRP on Stockpile 1 sometime in the future. (MND, pg. 25.) Additionally, the impacts from this portion of the project were not sufficiently analyzed throughout the MND. Development of the PHHWF on Stockpile 1 is a foreseeable aspect of this Project. Therefore, the MND fails as an informational document by not analyzing the effects from a PHHWF at the site.

### **Biological Resources**

Mitigation Measure 4 requires preparation and implementation of a mitigation and monitoring plan to offset impacts to sugarbrush scrub habitat. In order to ensure that this mitigation is fully enforceable and certain to occur, this measure should include a specific time by which the mitigation and monitoring plan must be prepared and begun to be implemented.

In order to ensure that the Permittee will “conduct creation, restoration or enhancement to an aquatic resource with higher ecological functions and a more extensive riparian/riverine ecosystem than what is being impacted by the project” as noted in the Joint Project Review (JPR) in order to mitigate for impacts to jurisdictional streambeds, this should be provided for in the mitigation measures of the MND. Although the Biological Resources section of the MND states that such mitigation may be included in the California Fish and Game (CDFG) Streambed Alteration Agreement (SAA) required for this project, this language does not provide a mandatory requirement. Therefore, a mitigation measure must be adopted to ensure that this offsite mitigation is actually implemented so as to ensure consistency with the Multiple Species Habitat Conservation Plan (MSHCP).

### **Land Use & Planning**

The MND states that although the Project site encompasses 1,168.3 acres, only 1,093.2 acres are designated as Public Facilities (PF) in the 2003 Riverside County General Plan, with the remaining 75.1 acres designated as Open Space-Conservation Habitat (CH). The MND concludes that since the Riverside County Planning Department is in the process of updating the General Plan to make the entire 1,168.3 acres PF, there is no impact or conflict with the General Plan and zoning. Yet, there is no discussion of what impact would occur if this change to the General Plan is not actually approved or adopted by the Riverside County Planning Department.

The MND determined that based on the Joint Project Review (JPR) conducted by the RCA that the Project would be consistent with the requirements of the Multiple Species Habitat Conservation Plan (MSHCP). Yet, it appears from the JPR that the analysis did not include

APN 413-140-024. No explanation was provided for this omission. This is unacceptable as each APN affected by this Project should have been analyzed in the JPR.

Additionally, the JPR concluded that since the project would not involving the handling of or stockpiling of hazardous wastes that there would be no risk of chemicals being discharged into the MSHCP Conservation Area. This is not so. In fact, the WRP will consist of a household hazardous waste storage facility, outdoor handling areas, and a future PHHWF for handing and storing such waste. Therefore, the accidental discharge of chemicals to the MSHCP Conservation Area must be addressed in the JPR.

Although the MND states that the soil stockpiles are not incompatible with the rural character of the area and the Rural Residential land use designation by the City of Moreno Valley, the MND does not discuss or analyze the compatibility of the other portions of the Project, such as the Waste Recycling Plant, the landfill offices, and the future PHHWF that will be constructed on top of these soil stockpiles.

### **Population & Housing**

The MND fails to analyze or explain how this Project will not induce growth either directly or indirectly when the Project will result in increased landfill capacity which would expand the level of service the landfill can provide and thus support future development in the area and indirectly induce growth. This is inadequate and these effects must not be ignored.

### **Seismicity/Soil/Slopes**

Mitigation Measure (b) 2 requires that outdoor household hazardous waste handling area(s) be confined *by the appropriate means* so as to contain any accidental spills. This mitigation measure is too vague and in order to ensure such measures are implemented, the mitigation measure should state what these appropriate means are or how they will be determined.

Grading, excavation and soil issues and requirements are simply not analyzed for Stockpile 2. Instead, Mitigation Measure (e) 2 states that Stockpile 2 shall be evaluated for slope stability prior to construction. Therefore, a determination that impacts from grading and excavation will be less than significant is not based on evidence in the MND.

### **Transportation/Circulation**

To ensure that the mitigation measure is implemented, MM (b) 1 should designate *when* the liner contractor must submit the traffic safety plan to the Riverside County Waste Management Department.

### **Air Quality**

In analyzing the effects on air quality, the MND states that it is assumed that the maximum amount of dirt that will be excavated and stockpiled will not exceed 6,000 cy/day. In order to ensure that this level is not exceeded, this should be made a condition of project approval and not merely assumed.

Not all feasible mitigation was adopted in order to reduce air quality impacts due from fugitive dust. In addition to the mitigation measures noted in the MND, the following mitigation measure should be adopted:

1. At the entrance to the landfill facility, post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.

### **Biological Resources**

In order to lessen the projects impacts to wetlands a CDFG Streambed Alteration Agreement (SAA) will be warranted and will contain mitigation measures. Although the MND states that an SAA will be created for this project, the MND only states that the mitigation measures "may include, but are not limited to, creation or restoration of, or enhancement to the same ephemeral resource onsite or offsite with higher ecological functions." This measure should be *required* and should also indicate when and where this offsite mitigation will take place.

Mitigation Measure 4 for Biological Resources should also indicate by *when* this mitigation and monitoring plan must be adopted.

### **Energy & Mineral Resources**

Although the MND concludes that non-renewable resources (diesel) will not be used in a wasteful or inefficient manner, this is based on the fact that it would "be in the best interest of the contractor to conserve fuel and the RCWMD to reduce air emissions and contract cost." This must be *required* as a mitigation measure in order to ensure that these measures are certain to occur and that non-renewable resources will be used in an efficient manner. Therefore, the following mitigation measures must be required:

1. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
2. Utilize only CARB certified equipment for construction activities.\*

### **Public Health & Safety**

The MND fails to analyze the fire hazard associated with a future PHHWF. This is improper and must be analyzed.

### **Noise**

In the analysis of the ambient noise levels in project vicinity, the MND states both that the increase in noise levels will be temporary and that the public does not stay long enough at the site to be affected. Whether temporary or not, the noise levels may still be significant and expose people to severe noise levels. Thus, the noise impacts from this Project must still be analyzed and properly mitigated if significant.

### **Public Services**

In analyzing the impacts to the effect upon fire protection, the MND fails to analyze or address whether current plans and measures would be adequate to address any fires that would occur at the PHHWF. As this is a foreseeable aspect of the Project, failure to analyze these impacts is improper.

### **Aesthetics**

The MND fails to analyze the night light or glare associated with operation of the WRP or PHHWF. This is improper and must be analyzed. Additionally, although the MND assumes that nighttime lighting associated with stockpile construction will not be necessary, in order to make certain no impacts will result from lighting, a mitigation measure should be adopted to require that no nighttime lighting be used.

### **Cultural Resources**

The mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. Mitigation Measure 3 – Paleontological Resources, permits only temporary halts upon discovery of paleontological/cultural resources, although longer halts and delays may be necessary to properly record and remove resources. Further mitigation is feasible. The Mitigation Measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of discovery of extensive cultural resources.

Additionally, Mitigation Measure 1 – Archaeological Resources, should require a designated monitor to be present in order to determine the presence of and look for archaeological resources during project implementation. Furthermore, if “significant resources are recovered,” thereafter archaeological monitoring should be *required* under Mitigation Measure 5 – Archaeological Resources, in order to ensure that impacts are reduced below a level of significance.

### **Recreation**

The MND concludes that the project will not induce population growth. Yet, this Project creates room for more landfill waste and therefore indirectly supports increased development. The MND fails to adequately analyze or discuss the likelihood that this Project will induce population growth.

### **Greenhouse Gas Emissions**

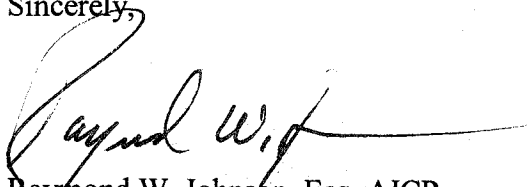


Not all feasible mitigation measures were adopted in order to reduce greenhouse gas emissions to below a level of significance. Additionally, the MND fails to address the potential for this project to induce population growth in the area and therefore GHG emissions.

Mitigation Measure 10 – Greenhouse Gas Emissions, is not fully enforceable as it only requires that the existing on-site materials reuse and recycling operations be enhanced in order to facilitate community recycling through programs/events and public education opportunities, *if feasible*. Instead, this should be *required* in order to decrease waste and GHG emissions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson", with a long horizontal flourish extending to the right.

Raymond W. Johnson, Esq. AICP  
JOHNSON & SEDLACK

**RAYMOND W. JOHNSON, Esq. AICP**  
**26785 Camino Seco**  
**Temecula, CA 92590**  
**(951) 506-9925**  
**(951) 506-9725 Fax**  
**(951) 775-1912 Cellular**

**Johnson & Sedlack**, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

**City Planning:**

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
- Review and supervision of preparation of EIR's and joint EIR/EIS's
- Preparation of Negative Declarations
- Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

**Representation:**

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society

- San Bernardino County Audubon Society
- Center for Community Action and Environmental Justice
- Endangered Habitats League
- Rural Canyons Conservation Fund
- California Native Plant Society
- California Oak Foundation
- Citizens for Responsible Growth in San Marcos
- Union for a River Greenbelt Environment
- Citizens to Enforce CEQA
- Friends of Riverside's Hills
- De Luz 2000
- Save Walker Basin
- Elsinore Murrieta Anza Resource Conservation District

**Education:**

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

**Professional Associations:**

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

**Johnson & Sedlack, Attorneys at Law**

26785 Camino Seco  
 Temecula, CA 92590  
 (951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

**Planning-Environmental Solutions**

26785 Camino Seco  
 Temecula, CA 92590  
 (909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private

developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

**San Bernardino County Planning Department**

Environmental Team

6/91-8/94

385 N. Arrowhead

San Bernardino, CA 92415

(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

**San Bernardino County Planning Department**

General Plan Team

6/91-6/92

385 N. Arrowhead

San Bernardino, CA 92415

(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

**San Bernardino County Planning Department**

North Desert Regional Planning Team

15505 Civic

6/90-6/91

Victorville, CA

(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

**Broadmoor Associates/Johnson Consulting**

229 NW Blue Parkway

Lee's Summit, MO 64063

(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

**Shepherd Realty Co.**

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

**Contemporary Concepts Inc.**

Lee's Summit, MO

9/78-5/84

Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

**Environmental Design Association**

Lee's Summit, Mo.

6/77-9/78

Project Coordinator

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

**City of Lee's Summit, MO**

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

**Howard Needles Tammen & Bergendoff**

9200 Ward Parkway

Kansas City, MO 64114

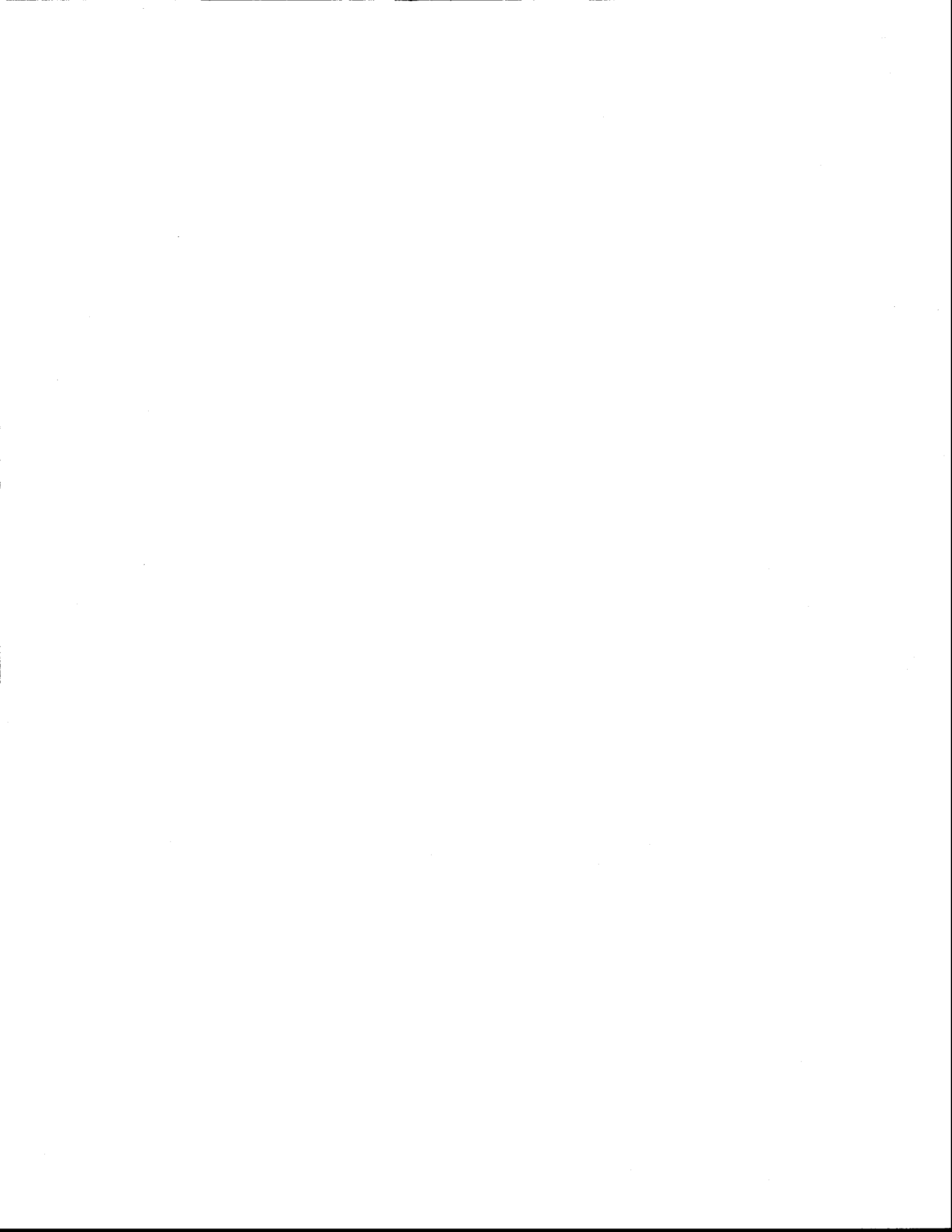
(816) 333-4800

Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.



**Account Information**

Phone #: (951) 486-3283  
Name: WASTE MANAGEMENT /  
COUNTY OF RSD  
Address: 14310 FREDERICK ST  
ATTN: SUNG KEY MA  
MORENO VALLEY CA 92553

Acct #: 275840  
Client:  
Placed by: Sungkey Ma  
Fax #: (951) 486-3205

**Ad Information**

Classification: Legals  
Publications: Press-Enterprise

Start date: **10-28-10**  
Stop date: **10-28-10**  
Insertions: 1

Rate code: LE-County  
Ad type: Ad Liner  
Taken by: Tinajero, Maria

Size: 2x75.880  
Bill size: 152.00x 5.14 agate lines

Amount due: **\$197.60**

**Ad Copy:**

**Notice of Intent to Adopt  
Mitigated Negative Declaration For Badlands  
Landfill Solid Waste Facility Permit Revision  
Environmental Assessment "Badlands 2010-01"**

The Riverside County Waste Management Department, on behalf of Riverside County as Lead Agency, has determined that the proposed project to revise the Solid Waste Facility Permit ("SWFP") for the Badlands Landfill, a municipal solid waste landfill that has been in existence since 1966, will not have a significant effect on the environment with the implementation of proposed mitigation measures and recommends that a Mitigated Negative Declaration ("MND") for Environmental Assessment ("EA") "Badlands 2010-01" be adopted.

The proposed project will result in the following revisions to the Badlands Landfill and its SWFP: 1) establish an approximately 37-acre soil stockpiling area on the western border of the landfill property for long term storage of approximately 1.75 million cubic yards of clean soil; 2) realign a portion of an existing dirt access road to improve safety for equipment travel to the existing sedimentation basin; 3) revise the configuration and acreage of the existing 246-acre permitted landfill area (PLA) to incorporate the proposed soil stockpiling area and access road re-alignment, and accommodate a few minor adjustments to the disturbance limits of the PLA; and 4) relocate the permitted Waste Recycling Park site from its current location to the top deck of Stockpile 1 within the proposed soil stockpiling area.

The MND and EA "Badlands 2010-01" are available for public review at the following locations: Riverside County Waste Management Department on the website [www.rivcown.org](http://www.rivcown.org) or at 14310 Frederick Street in Moreno Valley and Riverside County Clerk at 2724 Gateway Drive in Riverside from 7:30 AM to 4:30 PM, Monday through Friday. The documents have also been sent to the following libraries, but these libraries should be called directly for hours and availability of documents: Moreno Valley City Library, 25480 Alessandra Blvd. in Moreno Valley (951-413-3880); City of Riverside Main Library, 3581 Mission Inn Ave. in Riverside (951-826-5201); Perris Branch Library, 163 E. San Jacinto Ave. in Perris (951-657-2358); Calimesa Branch Library, 974 Calimesa Blvd., in Calimesa (909-795-9807); Banning Library District, 21 W. Nicolet St., in Banning (951-849-3192); and Beaumont Library District, 125 E. Eighth St., in Beaumont (951-845-1357).

Any comments on the proposed project, the determination to adopt a MND, or requests for more information should be directed to:

Riverside County Waste Management Department  
14310 Frederick Street  
Moreno Valley, CA 92553  
Attention: Sung Key Ma, Urban/Regional Planner IV  
Telephone (951) 486-3283/Fax (951) 486-3205

**Written comments must be received at the above address by 5:00 PM on November 29, 2010.** Any written comments received will be forwarded to the Riverside County Board of Supervisors and will be considered, along with the EA and any oral testimony, before any action is taken on the project. The Board of Supervisors may consider this project on or after January 4, 2011. Any decision made by this body will be mailed to anyone requesting such notification. 10/28





**BADLANDS LANDFILL – PERMIT REVISION PROJECT  
EA & NOI TRANSMITTAL LIST  
October 2010**

Hardcopy recipients (25) CD recipients (57) NOI recipients (140)

**Federal Agencies**

U.S. Fish and Wildlife Service  
Ecological Services – Carlsbad Field Office  
6010 Hidden Valley Road  
Carlsbad, CA 92009

U.S. Soil and Conservation Service  
East Valley R. C. D.  
25864-K Business Center Drive  
Redlands, CA 92374

U. S. Army Corps of Engineers (via certified mail)  
Santa Ana Resident Office (Prado Dam)  
2493 Pomona-Rincon Road  
Corona, CA 92878  
Attention: James Mace

**State Agencies**

State Clearinghouse, or SCH (FedEx 15 hardcopies)

Office of Planning & Research (OPR)  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

California Air Resources Board (via SCH)  
1001 "I" Street  
P.O. Box 2815  
Sacramento, CA 95812

California Department of Resources  
Recycling and Recovery, or Cal Recycle  
(via SCH)  
1001 "I" Street  
PO Box 4025  
Sacramento, CA 95812-4025

California Department of Fish and Game  
(via certified mail)  
3602 Inland Empire Boulevard  
Suite C-220  
Ontario, CA 91764  
(909) 484-0459

South Coast Air Quality Management  
District (via certified mail)  
Office of Planning and Rules  
21865 East Copley Drive  
Diamond Bar, CA 91765

Department of Transportation (via SCH)  
CALTRANS District #8 - Planning  
464 W. Fourth Street  
San Bernardino, CA 92402

Department of Toxic Substances Control  
(via certified mail)  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

California State Water Resources Control  
Board (via SCH)  
901 "P" Street  
P. O. Box #100  
Sacramento, CA 95802-0100

Regional Water Quality Control Board No.  
8 (via certified mail)  
Santa Ana Basin Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

California Department of Water Resources  
(via SCH)  
1416 – 9<sup>th</sup> Street, MS 24-01  
Sacramento, CA 95814

California Department of Parks &  
Recreation (via SCH)  
1416 Ninth Street  
Sacramento, CA 95814

California Department of Conservation  
(via SCH)  
801 K. Street, MS 24-01  
Sacramento, CA 95814

State Lands Commission (via SCH)  
1518 L St.  
Sacramento, CA 95814

California Native American Heritage  
Commission (via SCH)  
915 Capitol Mall # 364  
Sacramento, CA 95814-4801

### **Local Agencies**

Riverside County Transportation  
Commission  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92502-2208

Southern California Association of  
Governments, or SCAG  
Eric H. Roth, Intergovernmental Review  
818 West 7<sup>th</sup> Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90017-3435

Western Riverside Council of Governments  
(via certified mail)  
Steve Rudick, Director of Planning  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501

Coachella Valley Association of  
Governments (via certified mail)  
John Wohlmuth, Executive Director  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

Eastern Municipal Water District  
Warren A. Beck, P.E.  
P. O. Box 8300  
Perris, CA 92572-8300

Metropolitan Water District  
Attn: Laura Simonek  
P. O. Box 54153  
Los Angeles, CA 90054-0153

Eastern Information Center  
UCR, Department of Anthropology  
Riverside, CA 92521

Southern California Gas Company  
South Inland Transmission Division  
Attn.: Mike Edson, Region Planner  
P. O. Box 2008  
Beaumont, CA 92223

Southern California Edison  
2244 Walnut Grove Avenue, Room 312  
P. O. Box 800  
Rosemead, CA 91770-0800

San Bernardino County Museum  
2024 Orange Tree Lane  
Redlands, CA 92374

Morongo Band-Mission Indians  
12150 Santiago Road  
Banning, CA 92220

## Environmental Organizations

San Bernardino Valley Audubon Society  
C/o Dr. Timothy P. Krantz, Board Member  
University of Redlands  
1200 E. Colton Avenue, Duke Hall  
Redlands, CA 92373-0999

Sierra Club, San Geronio Chapter  
Attn.: Peter Kiriakos, Conservation Chair  
29431 Sun Harbor Court  
Lake Elsinore, CA 92530

The Nature Conservancy, Los Angeles  
Office  
601 South Figueroa Street  
Suite 1425  
Los Angeles, CA 90017  
Phone: (213) 327-0104

Riverside Land Conservancy  
4075 Mission Inn Avenue  
Riverside, CA 92501

Endangered Habitats League  
Attn.: Dan Silver  
8424-A Santa Monica Blvd., # 592  
Los Angeles, CA 90069-4267

Union for a River Greenbelt Environment,  
or U.R.G.E.  
c/o Raymond W. Johnson  
26785 Camino Seco  
Temecula, CA 92590

The Wildlands Conservancy  
39611 Oak Glen Road #12  
Oak Glen, CA 92300

## Local Governments – (Via Certified Mail)

City of Calimesa  
Attn.: Gus Romo, Community Development  
Director  
908 Park Avenue,  
Calimesa, CA 92320

City of Moreno Valley  
Attn: John Terrell, Planning Director  
141771 Frederick Street  
Moreno Valley, CA 92553

City of Moreno Valley Fire Department  
14177 Frederick St.  
Moreno Valley, CA 92553

City of Riverside  
Attn: Ken Gutierrez, Planning Director  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522

City of Beaumont  
Attn: Ernest Egger, Planning Director  
550 Sixth Street,  
Beaumont, CA 92223

City of Banning  
Attn: Roger Derda, Planning Director  
P. O. Box #998  
Banning, CA 92220

City of Menifee  
Attn: Steve Harding, City Manager  
29683 New Hub Drive, Suite C  
Menifee, CA 92586

Inland Empire Resource Conservation  
District  
25864-K Business Center Drive  
Redlands, CA 92374  
Phone: (909) 799-7407

**Riverside County Government Agencies - (via Central Mail)**

**Riverside County Executive Office**  
Attn.: Alex Gann

**Board of Supervisors (sent to five Supervisor's offices)**

**Department of Building & Safety, Grading Division**

**Fire Department**

**Planning Department**  
Attn.: Carolyn Syms Luna

**Transportation Department**  
Attn.: Laurie Dobson-Correa

**Flood Control and Water Conservation District**  
Attn: Teresa Tung

**Environmental Health Department, HazMat Division**  
Attn: Sandy Bunchek

**Local Enforcement Agency or LEA**  
Attn.: John Watkins

**County Geologist – David Jones**

**County Archaeologist – Leslie Mouriquand**

**Libraries (with NOI)**

**Moreno Valley City Library**  
Paula Smus, Chief Librarian  
25480 Alessandro Blvd.,  
Moreno Valley, CA 92553-4386

**Beaumont Library District**  
Clara Difelice, Branch Manager  
125 E. Eighth Street  
Beaumont, CA 92223

Intra County Mail Stop #4035

**Riverside County Sheriff Department**  
Attn.: Stanley Sniff, Sheriff  
4095 Lemon Street  
Riverside, CA 92501  
Mail Stop #1450

**County Clerk and Recorder (Hand delivery NOC & NOI)**  
Cherrie Seager  
2724 Gateway Drive  
Riverside, CA 92507

**Riverside County Regional Parks & Open Space District**

**Riverside County – Economic Development Agency, or EDA**  
3525 Fourteenth Street  
Riverside, CA 92501-3813

**RCA**  
4080 Lemon Street, CAC, 12<sup>th</sup> Floor  
Attn: Charles Landry

**Riverside County Department of Facilities Management (NOI only)**  
3133 Mission Inn Avenue  
Riverside, CA 92507

**Calimesa Branch Library**  
Joshua Fox, Library Manager  
974 Calimesa Blvd.  
Calimesa, CA 92320

**Perris Branch Library**  
Thomas Vose, Library Manager  
163 East San Jacinto Avenue  
Perris, CA 92570-2135

Banning Library District  
Nancy Kerr, Director  
21 W. Nicolet Street  
Banning, CA 92220

City of Riverside – Main Library  
Cecelia Mestas-Holmes, Branch Manager  
3581 Mission Inn Avenue  
Riverside, CA 92501

**LTF Members - (Notice of Intent, or NOI, only)**  
**MEMBERS**

**Miguel Arciniega**  
22049 Mimosa Lane  
Moreno Valley, CA 92553

**Katie Barrows**  
53298 Montezuma  
La Quinta CA 92276

**Patrick Richardson**  
City of Temecula  
Planning and Redevelopment  
PO Box 9033  
Temecula CA 92589-9033

**Ed Campos**  
CR&R  
1706 Goetz Road  
Perris, CA 92570

**Ted Dumas**  
Southern California Recycling  
25290 Rio Del Sol Rd  
Thousand Palms, CA 92276

**Siobhan Foster**  
City of Riverside  
Public Works Department  
3900 Main Street  
Riverside, CA 92522

**Simon Housman**  
69730 Highway 111, Suite 207  
Rancho Mirage, CA 92270

**Russell Keenan**  
Kleinfelder, Inc.  
1220 Research Drive, Ste. B  
Redlands, CA 92374

**Robert Magee**  
32400 Beechwood Lane  
Lake Elsinore, CA 92530

**Malcolm Miller**  
City of Norco  
2870 Clark Avenue  
Norco, CA 92860

**Robert Moran**  
Economic Development Agency  
Intra-County Mail Stop #1330

**Frankie Riddle**  
City of Palm Desert  
73-510 Fred Waring Drive  
Palm Desert, CA 92260

**Bruce Scott**  
18051 Gilman Springs Road  
P.O. Box 369  
San Jacinto, CA 92581

**Richard Schmid**  
26100 Olson Avenue  
Homeland, CA 92548

**Terry Wold**  
8516 Conway Drive  
Riverside, CA 92504

**Curtis Showalter**  
Public Works Manager  
City of Corona  
400 South Vicentia Avenue  
Corona, CA 92882

**Chuck Tobin**  
Burrtec  
9890 Cherry Avenue  
Fontana, CA 92334

**Chris Vogt**  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92552

**Ella Zanowic**  
Mayor Pro Tem  
City of Calimesa  
908 Park Avenue  
Calimesa, CA 92320

**LTF Alternate Members - (NOI only)**

**David Fahrion**  
CR&R  
1706 Goetz Road  
Perris, CA 92570

**Jimmy Tatosian**  
9890 Cherry Ave.  
Fontana CA 92562

**Carole Bell**  
2215 Tenaja Road  
Murrieta, CA 92562

**Deanna Pressgrove**  
City of Cathedral City  
68-700 Avenida Lalo  
Guerrero  
Cathedral City, CA 92234

**Ben Drake**  
PO Box 890009  
Temecula, CA 92589

**Dean Wetter**  
City of Corona  
815 W. Sixth Street  
P.O. Box 940  
Corona, CA 91718-0940

**Robert Lemon**  
City of Moreno Valley  
Public Works Department  
14177 Frederick Street  
Moreno Valley, CA 92552

**Jordan Ehernkranz**  
Councilmember  
City of Canyon Lake  
31516 Railroad Canyon  
Rd.  
Canyon Lake, CA 92587

**Don Robinson**  
Councilmember  
City of Banning  
99 E. Ramsey St.  
Banning, Ca 92220

**Steven Pastor**  
Riverside County Farm  
Bureau  
21160 Box Springs, Ste  
103  
Moreno Valley, CA 92557

**Dale West**  
City of Temecula  
Planning &  
Redevelopment  
PO Box 9033  
Temecula, CA 92589-9033

**Surrounding (1-mile radius) Property Owners - (NOI only)**

**Peter Stein**  
30261 San Timoteo Canyon  
Rd  
Redlands, CA 92373

**Roy Larky**  
31751 San Timoteo Canyon  
Road, Box G  
Redlands, CA 92373

**Jerry Cody**  
Rte. 2. Box 711-C  
Redlands, CA 92373

**Walter Sykes**  
P. O. Box 3195  
Beaumont, CA 92223

**T&S Inv.**  
P. O. Box 55430  
Riverside, CA 92517

E. L. **Yeager** Skanska, Inc.  
1995 Agua Mansa Road  
Riverside, CA 92509

**Carol Mabon**  
2925 Spaatz Road,  
Monument, Co 80132

**Marylouise Zuppardo**  
12246 Heacock  
Moreno Valley, CA 92557

**Claude Schroeder**  
C/O Karen Harnitchek  
P. O. Box 252  
Beaumont, CA 92223

**Joseph Canale,**  
13445 McGehee Drive  
Moreno Valley, CA 92555

**Kathleen Lager**  
61789 Dart Circle Road  
St. Helen, Or 97051

**Kevin Stephens**  
3107 Topaz Lane, No. C  
Fullerton, CA 92831

**Garey Harvey**  
104 W. Olive, No. 2  
Redlands, CA 92373

**Jackson Robert and Estate of**  
C/O Ferreira Enterprises  
9087 Arrow Route, Ste. 200  
Rancho Cucamonga, CA  
91730

**Kenneth McDaniel**  
506 La Mirada  
Hemet, CA 92543

**Robert Pauw**  
C/O Ruth Landis  
2052 Bronson Way  
Riverside, CA 92506

**Highland Fairview Property**  
C/O Steven McCain  
24525 Alessandro Blvd.  
Moreno Valley, 92553

**Cho Yang**  
19020 Bramhall Lane  
Rowland Heights, CA 91748

**Henrietta Lee**  
8750 Hillcrest Road  
Buena Park, CA 90621

**Thong Vang**  
25467 Marvin Gardens Way  
Murrieta, CA 92563

State of **Calif**  
1 Capitol Mall No 500  
Sacramento CA 95814

**LCTH Inv**  
1000 Dove St Ste 300  
Newport Beach CA 92660

**Davinder Singh**  
1024 Ridgeline Rd  
Orange, CA 92869

**Marylouise Zuppardo**  
11175 Indian St  
Moreno Valley CA 92557

**Kevin Stephens**  
112 N Berniece Dr  
Anaheim CA 92801

**Loan Nguyen**  
11592 Margie Ln  
Garden Grove CA 92840

**Tang Moua**  
C/O Chang Moua  
1164 Blue Star Way  
Beaumont CA 92223

**Rose Federico**  
11849 Haro Ave  
Downey CA 90241

**Genaro Bautista**  
12130 Theodore St  
Moreno Valley CA. 92553

**Jimmy Davis**  
12140 Theodore Dr  
Moreno Valley CA. 92555

**Ricardo Aguayo**  
12170 Theodore St  
Moreno Valley CA. 92553

**Steven Trinh**  
12179 Woodbriar Dr  
Moreno Valley CA 92555

**Robert Morris**  
13110 Laurene Ln  
Moreno Valley CA. 92555

**Garey Harvey**  
13265 McGehee Dr  
Moreno Valley CA. 92555

**Melvin Vaughn**  
13281 McGehee Dr  
Moreno Valley CA. 92555

**Sinayd Perez**  
13400 McGehee Dr  
Moreno Valley CA 92555

**Highland Fairview Prop**  
14225 Corporate Way  
Moreno Valley CA 92553

**William Driscoll**  
C/O Dona Reusch  
1440 N Kirby St  
Hemet CA 92545

**Carl Brandstetter**  
1458 Hampton Rd  
Redlands CA 92374

**Song Ramboldt**  
1510 S Coast Hwy  
Oceanside CA 92054

State Of **Calif**  
State Lands Commission  
1518 L St  
Sacramento CA 95814

**Antonio Perez**  
15692 Prestancia Ct  
Moreno Valley CA 92555

**Amora Johnson**  
16167 Blue Haven Ct  
Riverside CA 92503

**Debra Juan**  
1656 E Couston St  
Loma Linda CA 92354

**Southern Pacific**  
Transportation Co  
1700 Farnam St 10th Fl S  
Omaha Ne 68102

**Juan Renteria**  
1719 Crystal Ct  
Riverside CA 92506

**Federal Home Loan**  
Mortgage Corp  
C/O Recontrust Co  
1757 Tapo Canyon Rd  
SVW88  
Simi Valley CA 93063

**Mabon Prop Partners**  
17780 Collins Ave 2nd Flr  
Sunny Isles Fl 33160

**Amy Yang**  
19020 Bramhall Ln  
Rowland Heights CV 91748

**Murray Virgil O Estate Of**  
C/O Warren W Hawkins  
2153 San Marcos Pl  
Claremont CA 91711

**Bradley Alms**  
23281 Gerbera St  
Moreno Valley CA 92553

**Arturo Benitez**  
26156 Coronada Dr  
Moreno Valley CA 92555

**Julia Dunphy**  
26220 Athena Ave  
Harbor City CA 90710

**Iipson Family Trust**  
2980 Montessori St  
Las Vegas NV 89117

**Raul Alcalá**  
303 Hargrave St  
Inglewood CA 90302

**Lisa Kegarice**  
30997 San Timeteo Canyon  
Redlands CA 92373

**Charles Royal**  
30999 San Timeteo Cyn Rd  
Redlands CA. 92373

**Living Water Ranch Prop**  
31101 San Timoteo Canyon  
Rd  
Redlands CA 92373

**Johann Martin**  
31206 Firestone St  
Temecula CA 92591

**Jerry Cody**  
31500 Lake Shore Dr  
Redlands CA 92373

**Dawn Linder**  
31665 Timothy Ln  
Moreno Valley CA. 92553

**David Englebretson**  
31685 Lakeshore Dr  
Redlands CA 92373

**Frank Lee**  
31740 Scenic Terrace 719j  
Redlands CA 92373

**Michael Argiro**  
31764 Scenic Terrace Dr  
Redlands CA. 92373

**Beaumont 400**  
C/O Robert Schiffer  
320 Superior Ave Ste 300  
Newport Beach CA 92660

**Paul Glassen**  
32300 San Timoteo Cyn Rd  
Redlands CA 92373

**Willman Green**  
32380 Circle Ter  
Redlands CA. 92373

**Dolores Desimone**  
361 Kinley St  
La Habra CA 90631

**Thong Vang**  
4202 E King Canyon Rd  
Fresno CA 93702

**Henrietta Lee**  
C/O Henrietta C Lee  
4299 MacArthur No 211  
Newport Beach CA 92660

**Vivien Short**  
4566 Toledo Way  
Buena Park CA 90621

**Jonathan Branston**  
466 Orange St No 393  
Redlands CA 92374

**Walter Sykes**  
548 Reposo St  
San Jacinto CA 92582

**Jamie Barahona**  
6350 Terracina Ave  
Alta Loma CA 91737

**Peggy Christian**  
C/O Donald L Christian  
640 W Cypress Ave  
Redlands CA 92373

**Living Gospel**  
6601 Compton Ave  
Los Angeles CA 90001

**Dallas McGowan**  
6706 Valaria St  
Highland CA 92346

**Irasema Rascon**  
936 Eucalyptus Dr  
Banning CA 92220

**J Whitehead**  
El Casco Resort Rt 2  
Redlands CA 92373



**Karl** Wollenburg  
HCR 69 Box 3023  
California Valley CA 93453

**Agua** Mansa Prop Inc  
P O Box 127  
Riverside CA 92502

**Arnold** Applebaum  
P O Box 1510  
La Mirada CA 90637

**State** Of Calif  
P O Box 1799  
Sacramento CA 95808

**State** Of Calif  
P O Box 231  
San Bernardino CA 92402

**Karen** Harnitchek  
P O Box 252  
Beaumont CA 92223

**Bud** Davis  
P O Box 3261  
Crestline CA 92325

**SCK** Poultry Ranches  
C/O Robert D Keijonen  
P O Box 426  
Glendora CA 91740

**MWD**  
C/O Asset Management  
P O Box 54153  
Los Angeles CA 90054

**James** Savage  
P O Box 61287  
Boulder City, NV 89006

**Joseph** Canale  
P O Box 6141  
Moreno Valley, CA 92554

**James** Collis  
P O Box 6309  
Big Bear, CA 92315

**Roy** Whitehead  
P O Box 665  
Bryn Mawr CA 92318

**Bob** Nahmias  
P O Box 803  
Redlands CA 92373

**April** Schmidt  
P O Box 8484  
Redlands CA 92375

**Roy** Larkey  
Route 2 Box 92  
Gage Ok 73843

**Riverside** Clark  
C/O Shirley Derke, ESQ  
302 E. Carson, Ste. 804  
Las Vegas NV 89101

**Eva** Alvaroda  
4108 Zola  
Pico Rivera CA 90660

**Jong** Lee  
5522 Lockhaven Drive  
Buena Park CA 90621

**Robert** Spargo  
1455 Marian Avenue  
San Bernardino CA 92407

**Cheryl** Aspan  
29941 Killington Drive  
Sun City, CA 92586

**Jose** Cervantes  
32470 Crest Road  
Redlands, CA 92373

**Bryon** Henning  
49244 Road 620  
Oakhurst, CA 93644

**Professor** FND IV  
990 Highland Dr. No. 320  
Solana Beach, CA 92075

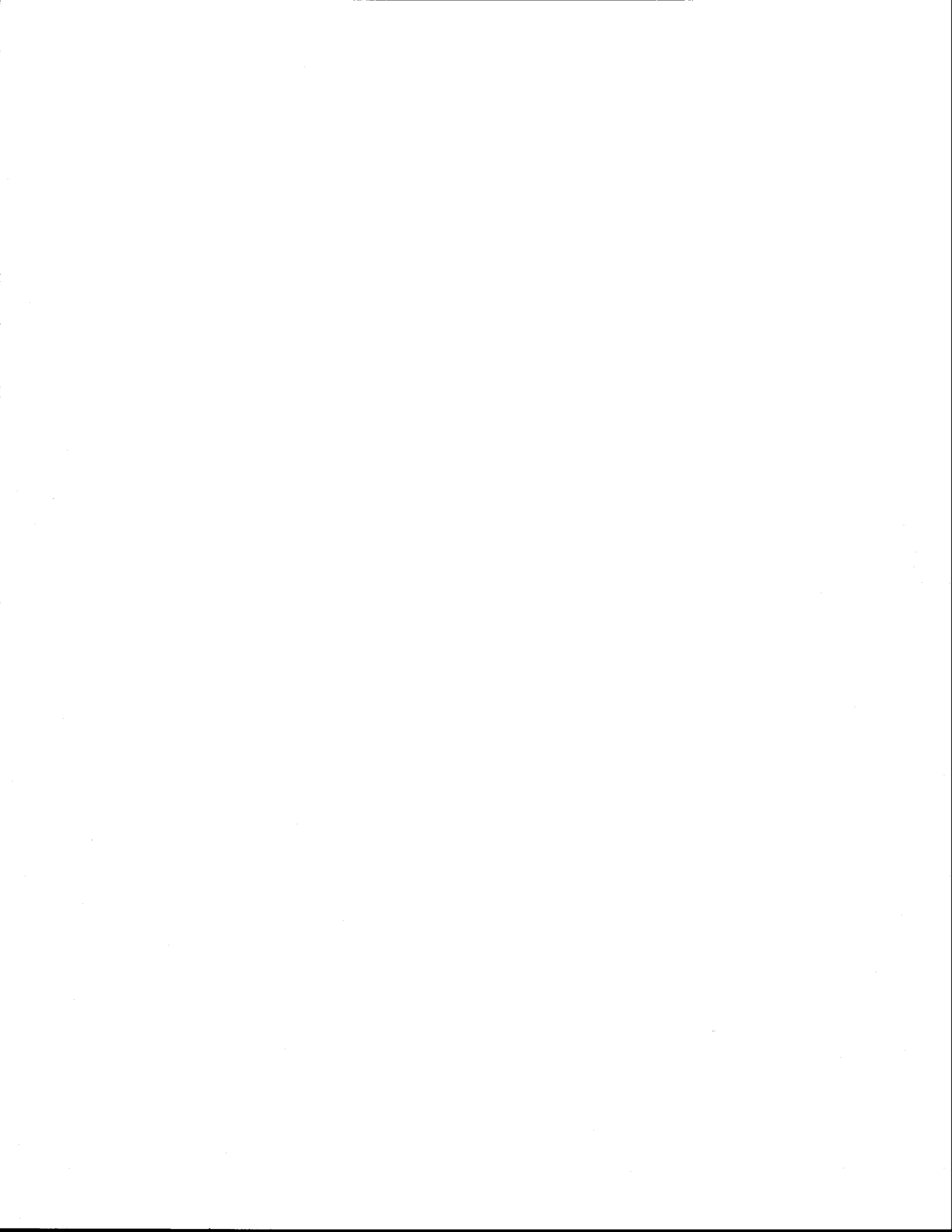
**Gilbert** Campos  
289 E. Theodore Street  
Banning, CA 92220

**Anderson** School Equipment  
Co. Inc.  
C/O Darryl Anderson  
7 Toluca Estates Dr  
Toluca Lake, CA 91602

**Donald** Broad  
P. O. Box 6240  
Moreno Valley, CA 92554

**Tomas** Rivera  
11890 Davis Street  
Moreno Valley, CA 92557

Doc # 30663 v4  
10/2010  
SKM



**Notice of Completion and Environmental Document Transmittal Form**

Mail to: State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814---916/ 445-0613

SCH # \_\_\_\_\_  
See Note below

1. Project Title: Badlands Landfill Solid Waste Facility Permit Revision  
2. Lead Agency: Riverside County Waste Management Department 3. Contact Person: Sung Key Ma  
3a. Street Address: 14310 Frederick Street 3b. City: Moreno Valley  
3c. County: Riverside 3d. Zip: 92553 3e. Phone: 951-486-3283



**Project Location**  
4. County: Riverside 4a. City/Community: Moreno Valley  
4b. Assessor's Parcel Nos.: 413-140-023, -024, -030, -033, -034, -036  
4c. Section: 31, 32 Township: 2S Range: 2W Base: SBBM  
5a. Cross Streets: Theodore St. and Ironwood Ave. 5b. Nearest Community: Moreno Valley  
6. Within 2 Miles: a. State Hwy. #: 60 b. Airports: \_\_\_\_\_  
c. Railways: \_\_\_\_\_ d. Waterways: \_\_\_\_\_

OCT 28 2010  
LARRY W. WARD, CLERK  
Deputy

- |  |  |  |
|--|--|--|
| <p><b>7. Document Type</b></p> <p><b>CEQA:</b></p> <p><input type="checkbox"/> 01. NOP</p> <p><input type="checkbox"/> 02. Early Cons</p> <p><input checked="" type="checkbox"/> 03. Neg Dec</p> <p><input type="checkbox"/> 04. Draft EIR</p> <p><input type="checkbox"/> 05. Supplement/Subsequent EIR (Prior SCH No.)</p> <p><input type="checkbox"/> 06. NOE</p> <p><input type="checkbox"/> 07. NOC</p> <p><input type="checkbox"/> 08. NOD</p> <p><b>NEPA:</b></p> <p><input type="checkbox"/> 09. NOI</p> <p><input type="checkbox"/> 10. FONSI</p> <p><input type="checkbox"/> 11. Draft EIS</p> <p><input type="checkbox"/> 12. EA</p> <p><b>Other:</b></p> <p><input type="checkbox"/> 13. Joint Document</p> <p><input type="checkbox"/> 14. Final Document</p> <p><input type="checkbox"/> 15. Other _____</p> | <p><b>8. Local Action Type</b></p> <p><input type="checkbox"/> 01. General Plan Update</p> <p><input type="checkbox"/> 02. New Element</p> <p><input type="checkbox"/> 03. General Plan Amendment</p> <p><input type="checkbox"/> 04. Master Plan</p> <p><input type="checkbox"/> 05. Annexation</p> <p><input type="checkbox"/> 06. Specific Plan</p> <p><input type="checkbox"/> 07. Community Plan</p> <p><input type="checkbox"/> 08. Redevelopment</p> <p><input type="checkbox"/> 09. Rezone</p> <p><input type="checkbox"/> 10. Land Division (Subdivision, Parcel Map, Tract Map, etc.)</p> <p><input type="checkbox"/> 11. Use Permit</p> <p><input type="checkbox"/> 12. Waste Management Plan</p> <p><input type="checkbox"/> 13. Cancel Ag Preserve</p> <p><input checked="" type="checkbox"/> 14. Other <u>Solid Waste Facility</u></p> | <p><b>9. Development Type</b></p> <p><input type="checkbox"/> 01. Residential: Units _____ Acres _____</p> <p><input type="checkbox"/> 02. Office: Sq.Ft. _____ Acres _____ Employees _____</p> <p><input type="checkbox"/> 03. Shopping/Commercial: Acres _____ Employees _____ Sq.Ft. _____</p> <p><input type="checkbox"/> 04. Industrial: Sq.Ft. _____ Acres _____ Employees _____</p> <p><input type="checkbox"/> 05. Water Facilities: Type _____ MGD _____</p> <p><input type="checkbox"/> 06. Transportation: Type _____</p> <p><input type="checkbox"/> 07. Mining: Mineral _____</p> <p><input type="checkbox"/> 08. Power: Type _____</p> <p><input type="checkbox"/> 09. Waste Treatment: Type _____</p> <p><input type="checkbox"/> 10. OCS-Related _____</p> <p><input checked="" type="checkbox"/> 11. Other: <u>SWFR Application</u></p> |
|--|--|--|

COUNTY CLERK  
DECLARATION/No Determination  
SWFR APPLICATION  
POSTED  
OCT 28 2010  
Removed: 11-29-10  
By: \_\_\_\_\_  
County of Riverside, State of California

10. Total Acres: 40 (project construction); 67 (environmentally assessed) 11. Total Jobs Created: \_\_\_\_\_

- 12. Project Issues Discussed in Document**
- |   |  |   |   |
|---|--|---|---|
| <input checked="" type="checkbox"/> 01. Aesthetic/Visual          | <input checked="" type="checkbox"/> 09. Geologic/Seismic | <input type="checkbox"/> 17. Social                         | <input checked="" type="checkbox"/> 25. Wetland/Riparian      |
| <input checked="" type="checkbox"/> 02. Agricultural Land         | <input type="checkbox"/> 10. Jobs/Housing Balance        | <input checked="" type="checkbox"/> 18. Soil Erosion        | <input checked="" type="checkbox"/> 26. Wildlife              |
| <input checked="" type="checkbox"/> 03. Air Quality               | <input checked="" type="checkbox"/> 11. Minerals         | <input checked="" type="checkbox"/> 19. Solid Waste         | <input type="checkbox"/> 27. Growth Inducing                  |
| <input checked="" type="checkbox"/> 04. Archaeological/Historical | <input checked="" type="checkbox"/> 12. Noise            | <input checked="" type="checkbox"/> 20. Toxic/Hazardous     | <input checked="" type="checkbox"/> 28. Incompatible Land Use |
| <input type="checkbox"/> 05. Coastal Zone                         | <input checked="" type="checkbox"/> 13. Public Services  | <input checked="" type="checkbox"/> 21. Traffic/Circulation | <input type="checkbox"/> 29. Cumulative Effects               |
| <input type="checkbox"/> 06. Economic                             | <input type="checkbox"/> 14. Schools                     | <input checked="" type="checkbox"/> 22. Vegetation          | <input type="checkbox"/> 30. Other _____                      |
| <input checked="" type="checkbox"/> 07. Fire Hazard               | <input type="checkbox"/> 15. Septic Systems              | <input checked="" type="checkbox"/> 23. Water Quality       |   |
| <input checked="" type="checkbox"/> 08. Flooding/Drainage         | <input type="checkbox"/> 16. Sewer Capacity              | <input type="checkbox"/> 24. Water Supply                   |   |

13. Funding (approx.): Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

14. Present Land Use and Zoning: Existing sanitary landfill; W-2 (Controlled Development)

15. Project Description: To revise the current Solid Waste Facility Permit primarily to establish a new soil stockpiling area, modify the permitted landfill area, and relocate a permitted but not yet built Waste Recycling Park to the top of a future stockpile.

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

Notice of Completion (Continued)  
**REVIEWING AGENCIES CHECKLIST**

COUNTY OF RIVERSIDE  
 WASTE MANAGEMENT

10 DEC -8 AM 11:56

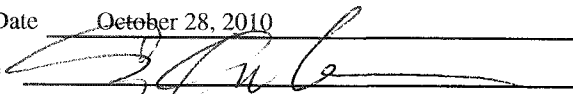
**KEY**

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- Corrections
- General Services
- OLA (Schools)
- Santa Monica Mountains
- TRPA
- OPR - OLGA
- OPR - Coastal
- Bureau of Land Management
- Forest Service
- Other Dept of Toxic Substances
- Other \_\_\_\_\_

**Public Review Period** (to be filled in by lead agency)

Starting Date October 28, 2010  
 Signature   
 Sung Key Ma, Urban Regional Planner IV

Ending Date November 29, 2009  
 Date \_\_\_\_\_

**Lead Agency (Complete if applicable):**  
 Consulting Firm: Riverside County Waste Mgmt. Dept.  
 Address: 14310 Frederick Street  
 City/State/Zip: Moreno Valley, CA 92553  
 Contact: Sung Key Ma  
 Phone: (951) 486-3283

**For SCH Use Only:**  
 Date Received at SCH \_\_\_\_\_  
 Date Review Starts \_\_\_\_\_  
 Date to Agencies \_\_\_\_\_  
 Date to SCH \_\_\_\_\_  
**Clearance Date** \_\_\_\_\_  
 Notes:

**Applicant:** same as above  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**Notice of Intent to Adopt Mitigated Negative Declaration  
Badlands Landfill Solid Waste Facility Permit Revision  
Environmental Assessment "Badlands 2010-01"**

The Riverside County Waste Management Department, on behalf of Riverside County as Lead Agency, has determined that the proposed project to revise the Solid Waste Facility Permit ("SWFP") for the Badlands Landfill, a municipal solid waste landfill that has been in existence since 1966, will not have a significant effect on the environment with the implementation of proposed mitigation measures and recommends that a Mitigated Negative Declaration ("MND") for Environmental Assessment ("EA") "Badlands 2010-01" be adopted.

The proposed project will result in the following revisions to the Badlands Landfill and its SWFP: 1) establish an approximately 37-acre soil stockpiling area on the western border of the landfill property for long term storage of approximately 1.75 million cubic yards of clean soil; 2) realign a portion of an existing dirt access road to improve safety for equipment travel to the existing sedimentation basin; 3) revise the configuration and acreage of the existing 246-acre permitted landfill area (PLA) to incorporate the proposed soil stockpiling area and access road re-alignment, and accommodate a few minor adjustments to the disturbance limits of the PLA; and 4) relocate the permitted Waste Recycling Park site from its current location to the top deck of Stockpile 1 within the proposed soil stockpiling area.

The MND and EA "Badlands 2010-01" are available for public review at the following locations: Riverside County Waste Management Department on the website [www.rivcowm.org](http://www.rivcowm.org) or at 14310 Frederick Street in Moreno Valley and Riverside County Clerk at 2724 Gateway Drive in Riverside from 7:30 AM to 4:30 PM, Monday through Friday. The documents have also been sent to the following libraries, but these libraries should be called directly for hours and availability of documents: Moreno Valley City Library, 25480 Alessandro Blvd. in Moreno Valley (951-413-3880); City of Riverside Main Library, 3581 Mission Inn Ave. in Riverside (951-826-5201); Perris Branch Library, 163 E. San Jacinto Ave. in Perris (951-657-2358); Calimesa Branch Library, 974 Calimesa Blvd., in Calimesa (909-795-9807); Banning Library District, 21 W. Nicolet St., in Banning (951-849-3192); and Beaumont Library District, 125 E. Eighth St., in Beaumont (951-845-1357).

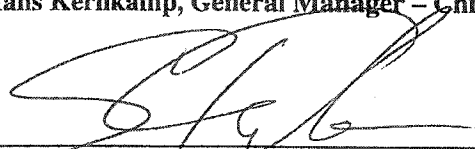
Any comments on the proposed project, the determination to adopt a MND, or requests for more information should be directed to:

Riverside County Waste Management Department  
14310 Frederick Street  
Moreno Valley, CA 92553  
Attention: Sung Key Ma, Urban/Regional Planner IV  
Telephone (951) 486-3283/Fax (951) 486-3205

Written comments must be received at the above address by 5:00 PM on November 29, 2010. Any written comments received will be forwarded to the Riverside County Board of Supervisors and will be considered, along with the EA and any oral testimony, before any action is taken on the project. The Board of Supervisors may consider this project on or after January 4, 2011. Any decision made by this body will be mailed to anyone requesting such notification.

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT  
NOV 29 8 AM 11:56

**RIVERSIDE COUNTY WASTE MANAGEMENT DEPARTMENT**  
**Hans Kernkamp, General Manager - Chief Engineer**



Sung Key Ma, Urban/Regional Planner IV

10-26-2010  
Date

PD #93304



Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters:
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Maps contained in "Investigation of Jurisdictional Wetlands and Waters of the U.S. - Badlands Landfill", prepared by PCR Services Corporation, dated June 2010.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth, aerials submitted by consultant.  
or  Other (Name & Date): On-site photos submitted by consultant, on-site photos taken by the Corps during 30 Sept 2010 JD site visit.
- Previous determination(s). File no. and date of response letter: 199915289-YJC, 2006-00436-FBV.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD: see Section II.B.2.**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters:

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).  
 Other non-wetland waters: acres.

Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:  
  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain:  
 Other factors. Explain:

**Identify water body and summarize rationale supporting determination:**

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.



For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.

Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Ephemeral drainage - water quality is expected to be good.

Identify specific pollutants, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain: Some of the drainages are fed by street runoff and drainage 5 is altered due to the presence of the old Ironwood Ave.

Tributary properties with respect to top of bank (estimate):

Average width: 3 feet  
Average depth: 2 feet  
Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover: Approx 15% non-native mustard (Brassica sp.)  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: eroding.

Presence of run/riffle/pool complexes. Explain: No.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2-4 %

(c) Flow:

Tributary provides for: **Ephemeral flow**

Estimate average number of flow events in review area/year: **6-10**

Describe flow regime: ephemeral.

Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics:

Subsurface flow: **Unknown.** Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):

Discontinuous OHWM.<sup>7</sup> Explain: All the drainages, except for drainage 5, exhibit no clear OHWM. They do not contain a clear bed and bank, fine sediments, drift deposits, pool and riffle complexes, shelving, scour lines etc. They are also dominated by upland mustard (Brassica sp.) and are more clearly described as swales. Drainage 5 is the only channel in the review area that does contain a clear bed and bank, however, it is due to the fact that it directly abuts the old Ironwood Ave. The presence of the asphalt road has caused water to travel downhill directly against the road, scouring and eroding the sediment. Without the presence of the road, drainage 5 would likely not show signs of an OHWM and might not even exist. The defined bed and bank is due to a man-made feature causing atypical erosional patterns and producing an OHWM where there likely would not be one. Therefore, although drainage 5 does contain signs of an OHWM, it is considered discontinuous and manipulated.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 235,505 acres

Drainage area: 30 acres

Average annual rainfall: 12 inches

Average annual snowfall: 0 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are 20-25 river miles from TNW.

Project waters are 5-10 river miles from RPW.

Project waters are 20-25 aerial (straight) miles from TNW.

Project waters are 5-10 aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>: Drainages in review do not flow into a TNW.

Tributary stream order, if known:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

any other indicator of an OHWM (see pictures 1-3 taken by Corps during JD site visit on 30 Sept 2010). The only drainage that did show signs of a bed and bank and channelization was drainage 5 (D5). However, the only reason D5 was well defined is due to the fact that it abuts the old Ironwood Ave that has been abandoned. The presence of the old street has caused an erosional feature to develop immediately against the south side of the road and scour and erode away the sediment. It is very likely that without the old road the drainage either would not be present or it would be significantly less pronounced (see pictures 13-14 taken by Corps during site visit).

The five drainages were followed further downstream of the project site to their confluence, approximately 1/4 mile from the edge of the project site. Not until all the drainages converged was a OHWM visible. In addition, about 1/2 acre of mulefat was located in a lowlying area. Likely part of the reason there was a large amount of Mulefat present is due to a concrete swale that drains Ironwood Ave into the low lying area (see pictures 7-9 taken by the Corps during site visit). Although there was an OHWM and wetland vegetation present, this area was outside of the project site and is not under consideration for jurisdiction under section 404 of the Clean Water Act.

From the confluence of drainages 1-5, the drainage continues in a southerly direction across HWY 60, between Theodore Street and Gilman Springs Road (~ 33.938649 N, -117.133121 W). The drainage then crosses under a bridge just north of Eucalyptus Street, crosses Eucalyptus Street and continues south to Alessandro Blvd (see pictures 5-6 taken by Corps during site visit), between Davis Rd and Virginia St. From Alessandro Rd, the drainage continues about 3/4 of a mile into an agricultural field. The drainage loses definition within the agricultural field (located south of Gato del Sol Ave, west of Virginia St., east of David Rd., and north of Air Forbes Ave.), due to the fact that the fields are disced regularly and are still active. North of the agricultural fields the drainage still exhibits an OHWM, however within the fields all signs of an OHWM are lost, except for some remnants of fine sediment. It appears that the drainage fans out and sheetflows across the area. There is very little vegetation except for the remains of a disced field containing dry dead agricultural crops (appeared to be hay) (see pictures 4,11,12,15 taken by Corps during site visit; see Figure 5 and 6a in report titled "Investigation of Jurisdictional Wetlands and Waters of the U.S - Badlands Landfill", prepared by PCR and dated June 2010). During normal storm flows, water would likely reach the agricultural fields and sheet flow and dissipate into the fields and would not connect to any drainage or channel. However, during large storm events, velocities could reach high enough rates that storm water would not only sheet flow across the agricultural field, but reach the defined channel (1-3 feet wide), about 500 meters south of where the original drainage loses definition. This is evident by the presence of some Mulefat within the defined channel, south of the disced agricultural field (see pictures 10-12 taken by the Corps during site visit). The presence of Mulefat gives evidence that there is still enough water reaching the channel south of Air Forbes (likely in large storm events) to sustain wetland flora. However, it is very unlikely that normal flows and rain events produce enough water to fan across the agricultural field and reach the defined drainage.

In the event of large flows sheetflowing across the agricultural field and reaching the downstream channel, water would continue in a southerly direction past Air Forbes Rd. and travel for about 3/5 mile where, due to the presence of a horse ranch, the channel turns in a south-easterly direction and continues inbetween part of the San Jacinto Wildlife Preserve (Preserve) and a horse ranch. As the 1-2 ft wide drainage passes the Preserve it loses definition for the second time. North of the point where it loses definition there is minimal signs of an OHWM, with a small bed and bank, and a few small, dying wetland plants; however, just south of that point where the channel loses definition there is no signs of an OHWM. In addition, the area is dominated by a large amount of upland vegetation. The drainage terminates with a loss of connectivity to a downstream drainage or channel and sheetflows into an upland area. The drainage is not able to connect to the ponds of the San Jacinto Preserve due to the presence of a 6-12 inch tall berm between the channel and the ponds. It is possible that in extreme storm events water may reach the pond adjacent to the defined channel, but normal storm events wouldn't produce enough water to reach the ponds and flows would travel 1/2 mile south to other ponds in the Preserve. Even if water was able to reach the ponds in the Preserve, they contain no connection to a downstream water and are separated by levees and elevated roads.

Evidence from file 199915289-YJC from conversations with Tom Paulek and Scott Sewell of CDFG (and referenced in file 2006-00436-FBV) explains that water which reaches the ponds does not connect to the San Jacinto River or any other water body. In order for water to leave the ponds, they would have to receive a large amount of runoff and rain water, and would overflow into Mystic Lake. Once water reached Mystic Lake, it too would have to overflow in order for water to reach the San Jacinto River, which would eventually lead to a TNW. Normal, and even large storm events, would not produce enough water to overflow into Mystic Lake and then Mystic Lake into the San Jacinto. It would take an extremely large and infrequent storm event for water from the drainages in review to reach a TNW.

Due to the fact that the drainages (drainages 1-5) in the project site contain minimal to no signs of an OHWM, the downstream drainage loses definition and connectivity in the disced agricultural field, and again loses definition between the horse ranch and Preserve, the Corps has concluded that the potentially jurisdictional features (drainages 1-5) are isolated waters and are therefore non-jurisdictional under section 404 of the Clean Water Act.