

# MITIGATION MONITORING PROGRAM

for the

*EL SOBRANTE LANDFILL*

---

*Lead Agency:*

**Riverside County**  
**Department of Waste Resources**  
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## Mitigation Monitoring Program

### I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6(a)(1)) requires that a Mitigation Monitoring Program (MMP) be adopted at the time that the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

An Environmental Impact Report (EIR) for the El Sobrante Landfill was certified by the Riverside County Board of Supervisors on September 1, 1998 (State Clearinghouse [SCH] No. 1990020076). This EIR, comprised of the April 1994 Draft EIR, the April 1996 Final EIR, and the July 1998 Update to the Final EIR, was prepared to address the El Sobrante Landfill Expansion Project contemplated in the Second El Sobrante Landfill Agreement (El Sobrante Landfill Expansion Project), which included a vertical and lateral expansion from 178 acres to 1,322 acres, with approximately 11 acres of offsite grading for slope construction and drainage and a maximum elevation of 1,832 feet. The EIR for the El Sobrante Landfill Expansion Project (1998 EIR) found that while the El Sobrante Landfill Expansion Project could cause significant effects to geology, soils and seismicity, water resources, biological resources, land use and land use plans, traffic and circulation, air quality, noise, aesthetics, cultural resources, paleontological resources, and public services and utilities, all of these impacts would be reduced to below a level of significance with implementation of mitigation measures identified in the 1998 EIR.

In 2009, a Supplemental EIR (SEIR) (2009 SEIR) was certified by the Riverside County Board of Supervisors on March 31, 2009 (SCH No. 2007081054). The 2009 SEIR analyzed a proposed revision to the El Sobrante Landfill Solid Waste Facility Permit (SWFP) for the purpose of (1) extending the number of hours waste can be accepted by four hours to include the hours of 12:00 Midnight to 4:00 AM, thereby allowing acceptance of waste material over a continuous 24-hour period; and (2) changing the maximum tonnage limit of 10,000 tons per day (tpd), seven days per week, to a weekly tonnage limit of 70,000 tons per week (tpw) not to exceed 16,054 tpd. The 2009 SEIR analyzed potential environmental impacts associated with aesthetics, air quality, noise, public health and safety, and transportation and circulation, and determined that the proposed revision to the SWFP would not result in any new environmental impacts that were not previously accounted for, and mitigated by, the 1998 EIR. Thus, new or expanded mitigation measures were not required in association with the 2009 SEIR; however, the numbering of some mitigation measures identified in the 1998 EIR MMP were changed in the 2009 SEIR to reflect the completion of mitigation requirements and/or to omit mitigation measures that no longer applied since certification of the 1998 EIR.

Additionally, a 2012 Addendum to the 1998 EIR/2009 SEIR changed the hours for existing and future excavation and liner construction activities in new landfill cells, which resulted in the modification of the MMP (one mitigation measure [N-1] was modified) that was adopted for the landfill.

In 2018, an Addendum EIR (AEIR) to the certified 1998 EIR/2009 SEIR was prepared to analyze (1) a reduction and reconfiguration of the limit of grading and a reconfiguration of the limits of

Declaration of Conservation and Conservation Easement lands within the Multiple Species Habitat Conservation Plan (MSHCP) for the El Sobrante Landfill; (2) relocation/reconfiguration of the original "conceptual design" for storm water retention ponds 1, 5, and 6 to proposed Ponds 1A and 1B, 5A and 5B, and 6, respectively; and (3) relocation of existing equipment maintenance activities to a new maintenance shop in the northern portion of the landfill to accommodate the migration of the main operational area of the landfill ("Project").

As part of the AEIR, the Riverside County Department of Waste Resources (RCDWR) provided notification of the Project and solicited information regarding tribal cultural resources (TCRs) to eight local Native American Tribes, with only the Pechanga Band of Mission Indians (Tribe) responding. RCDWR and USA Waste of California, Inc. staff met with the Tribe and there were no new TCRs identified within the Project Site. While it was determined the Project will not impact known TCRs, at the request of the Tribe, existing cultural resources-related mitigation measures were modified to more specifically reflect conditions involving the accidental discovery or recognition of human remains, and new mitigation measures (TR-1 through TR-3) were added to specifically identify the Tribe for Native American monitoring and ownership of previously considered discovery of any unanticipated cultural resources. Refer to Section V. (Errata Sheet) of this MMP for a listing of the changes to mitigation measures (shown in red color text and underlined/crossed out to indicate changes) associated with this revision of the MMP. Pursuant to CEQA Guidelines §15097, the following *Mitigation Monitoring Plan*, provides the mitigation measures that remain in effect for the El Sobrante Landfill.

## II. MMP OVERVIEW

1. This MMP will be overseen by the RCDWR. RCDWR will be responsible for maintaining and reviewing the monitoring records. Up-to-date copies of compliance records, in addition to copies of pertinent plans, report and permits, will be maintained on file at RCDWR.
2. The MMP has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based on recommendations by those responsible for the MMP. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the MMP.
3. Mitigation measures have been numbered within each environmental category (e.g., G-1, Geology, Soils and Seismicity). The following abbreviations are used in this MMP to designate the environmental categories as included in the 1998 EIR and AEIR:
 

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| • A = Aesthetics                    | • N = Noise                          |
| • AQ = Air Quality                  | • P = Paleontological Resources      |
| • B = Biological Resources          | • T = Transportation and Circulation |
| • C = Cultural Resources            | • U = Public Services and Utilities  |
| • G = Geology, Soils and Seismicity | • W = Water Resources                |
| • L = Land Use and Land Use Plans   | • TR = Tribal Cultural Resources     |
4. In addition to RCDWR, various other local, state and federal agencies are responsible for monitoring the implementation of the mitigation measures included in this Program. The following agencies abbreviations are used in this Program to designate the responsible agencies:

- ACOE = U.S. Army Corps of Engineers
- CDFW = California Department of Fish and Wildlife
- CALRECYCLE = California Department of Resources Recycling and Recovery
- LEA = Local Enforcement Agency
- RCBSD = Riverside County Building and Safety Department
- RCEDA = Riverside County Economic Development Agency-Facilities Management
- RCEHA = Riverside County Environmental Health Agency
- RCFCD = Riverside County Flood Control District
- RCFD = Riverside County Fire Department
- RCPD = Riverside County Planning Department
- RCTD = Riverside County Transportation Department
- RCDWR = Riverside County Department of Waste Resources
- RWQCB = Regional Water Quality Control Board
- SCAQMD = South Coast Air Quality Management District
- Tribe = Pechanga Band of Mission Indians
- USFWS = U.S. Fish and Wildlife Service

### **III. REPORTS/PERMITS TO BE FILED**

1. As the designated lead agency for Riverside County for El Sobrante, RCDWR shall maintain copies of pertinent reports, plans, and permits associated with the mitigation measures. For each mitigation measure, the "Implementation and Timing" column in Section 4 of this MMP specifies reports/permits which will be provided to RCDWR. Table 1 is a summary list of these documents by environmental category. Documents as noted under the "General" category (e.g., Solid Waste Facilities Permit) include supporting technical documents and permits.
2. RCDWR will also maintain copies of supplemental documentation associated with specific mitigation measures. As noted in Section 4, additional documentation applicable to individual measures will be forwarded to RCDWR by the responsible agencies.

**Table 1**  
**Reports/Permits to be Filed with the**  
**Riverside County Department of Waste Resources**

| <b>Environmental Category</b> | <b>Document</b>   |
|-------------------------------|---|
| General                       | <ul style="list-style-type: none"> <li>• Solid Waste Facility Permit (SWFP)</li> <li>• Waste Discharge Requirements (WDRs)</li> <li>• Report of Disposal Site Information (RDSI) } Joint Technical Document</li> <li>• Report of Waste Discharge (ROWD)</li> </ul>  |
| Geology, Soils and Seismicity | <ul style="list-style-type: none"> <li>• Final Grading Plans</li> <li>• Post-Earthquake Inspection Plan</li> <li>• Blasting Study (if required)</li> <li>• Blasting Notifications (Sheriffs/Fire Depts., Neighbors)</li> </ul>                                      |
| Water Resources               | <ul style="list-style-type: none"> <li>• Approved Drainage Plan</li> <li>• Stormwater Pollution Prevention Plan</li> <li>• Landfill Gas Collection System Plan</li> <li>• Groundwater Monitoring Well Plan</li> <li>• Landfill Cover Design</li> </ul>              |
| Biological Resources          | <ul style="list-style-type: none"> <li>• Multispecies Restoration Plan and Implementation Plan</li> <li>• Memorandum of Agreement with USFWS, CDFW, RCHCA, and County</li> <li>• Landfill Lighting Plans</li> <li>• Predator Monitoring and Control Plan</li> </ul> |
| Land Use and Land Use Plans   | <ul style="list-style-type: none"> <li>• No Reports/Permits Required to be Filed with RCDWR</li> </ul>  |
| Air Quality                   | <ul style="list-style-type: none"> <li>• RCDWR Annual Air Emissions Report</li> <li>• Annual 1150.1/AB 32 Report</li> <li>• AQ-13/AQ-11 (NO<sub>2</sub>) Reporting</li> </ul>   |
| Noise                         | <ul style="list-style-type: none"> <li>• Landfill Operating Plans</li> </ul>  |
| Aesthetics                    | <ul style="list-style-type: none"> <li>• Multispecies Restoration Plan and Implementation Plan</li> <li>• Building Plans</li> <li>• Lighting Plans</li> </ul>   |
| Cultural Resources            | <ul style="list-style-type: none"> <li>• Archaeological Monitoring Reports</li> <li>• Archaeological Discovery Reports</li> </ul>   |
| Paleontological Resources     | <ul style="list-style-type: none"> <li>• Paleontological Monitoring Program</li> <li>• Fossil Inventory Report</li> </ul>   |
| Public Services and Utilities | <ul style="list-style-type: none"> <li>• Fire Protection/Revegetation Management Plan</li> <li>• Lighting Plans</li> <li>• Wastewater System Plans</li> </ul>   |
| Tribal Cultural Resources     | <ul style="list-style-type: none"> <li>• Native American Monitoring Agreement between Tribe and USA Waste of California, Inc.</li> <li>• Reburial Agreement with appropriate Culturally-Affiliated Native American Tribe or Band (if applicable)</li> </ul>         |

IV. MITIGATION MONITORING REQUIREMENTS

| Mitigation No.    | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
|-------------------|---|----------------------|--|
| <b>Aesthetics</b> |   |                      |  |
| A-1               | To assure visual screening of landfill operations and facilities, a phased closure and restoration plan shall be implemented. The closure and restoration plan shall utilize Riverside sage scrub consistent with native vegetation in nearby undisturbed areas of the Gavilan Hills to minimize visual impacts to surrounding views.   | USFWS, CDFW          | Multispecies Restoration Plan and Implementation Plan to be reviewed and approved by USFWS and CDFW prior to closure of the initial phase of the expanded landfill.<br><br>Ongoing monitoring and reporting to be conducted in accordance with the approved Restoration Plan and Implementation Plan through landfill operation and postclosure monitoring period. |
| A-2               | Development shall be phased such that only approximately 20 acres are disturbed at any one time. Riverside sage scrub restoration activities shall be similarly phased.   | RCDWR, LEA           | RCDWR and LEA to review phasing plans and inspect the landfill upon their discretion.  |
| A-3               | Landfill-associated facilities and structure exteriors (including rooftops) and signage shall be of a color consistent with the surrounding area.   | RCEDA                | RCEDA to review and approve building plans prior to issuance of building permits.  |
| A-4               | A plan that assures the removal or approved use of landfill-associated facilities, structures, and signage shall be approved by the CALRECYCLE, as part of the Post-closure Plan.   | LEA, CALRECYCLE      | Postclosure Monitoring Plan to be reviewed and approved by LEA and CALRECYCLE prior to phased closure.   |
| A-5               | Outdoor lighting associated with the access road, administration building, and scales shall be directed toward the ground and shall be shielded. Portable lighting used for landfill operations (i.e., working face of the landfill) shall be shielded and directed toward the working area.  | LEA                  | LEA to inspect lighting upon their discretion.   |
| A-6               | Wherever feasible, temporary earthen or landscape berms, or other structures or measures, shall be utilized to provide visual screening of operations at the working face and to reduce potential glare impacts on surrounding residences from nighttime activities at the working face of El Sobrante. Any measures implemented for this purpose shall be subject to annual review by the Citizen Oversight Committee. | LEA                  | LEA to inspect lighting upon their discretion.   |

| Mitigation No.     | Mitigation Measure  | Responsible Agencies | Implementation and Timing   |
|--------------------|---|----------------------|---|
| A-7                | <p>A plan that assures the removal of litter associated with the proposed project shall be approved by the CALRECYCLE prior to the issuance of a SWFP.</p> <p>USA Waste or its successor-in-interest shall be responsible for the control and cleanup of litter and debris from the landfill and/or waste-hauling vehicles along the landfill access road to its intersection with Temescal Canyon Road, and along Temescal Canyon Road from the intersection with Interstate 15 (I-15) to the intersection with Weirick Road. At a minimum, USA Waste or its successor-in-interest shall inspect and remove litter and debris from these roadways on a weekly basis and within 48 hours upon receipt of notice of complaint.</p>   | LEA, CALRECYCLE      | Litter program to be included in the JTD and reviewed and approved by the LEA and CALRECYCLE prior to issuance of the SWFP.   |
| <b>Air Quality</b> |   |                      |   |
| AQ-1               | <p>The following activities shall occur based on SCAQMD Rule 1150.1 - Control of Gaseous Emissions from Active Landfills:</p> <ul style="list-style-type: none"> <li>• Landfill gas collection and thermal destruction systems shall be provided and operated.</li> <li>• Landfill gas destruction system shall be constructed using best available control technology (BACT). Improved combustion technology (e.g., boiler) shall be installed at the time that the continued use of current technology flares would exceed SCAQMD standards for stationary sources. (Final EIR).</li> <li>• A network of landfill gas monitoring probes shall be installed to identify potential areas of subsurface landfill gas migrations.</li> <li>• The project includes a landfill gas barrier layer (i.e., 10- to 20-mil high-density polyethylene [HDPE] or polyvinyl chloride [PVC] sheeting) as part of the intermediate cover and final cover system. This gas barrier layer is not required by Subtitle D and would minimize excess air infiltration and fugitive landfill gas emissions, and would increase landfill gas collection efficiency.</li> </ul> | LEA, SCAQMD          | <p>LEA and SCAQMD to review and approve the Authority to Construct (ATC) and the Permit to Operate (PTO) prior to construction of each phase.</p> <p>LEA and SCAQMD to inspect landfill gas collection and monitoring system upon system installation and upon agency discretion through landfill operation.</p> <p>LEA and SCAQMD to review quarterly and annual monitoring/testing reports.</p> |



| Mitigation No. | Mitigation Measure   | Responsible Agencies | Implementation and Timing  |
|----------------|--|----------------------|--|
| AQ-2           | <ul style="list-style-type: none"> <li>• Monitoring of landfill gas concentrations at perimeter probes, gas collection system headers, landfill surface, and in ambient air downwind of the landfill shall be conducted in accordance with applicable regulations.</li> <li>• Annual emissions testing of inlet and exhaust gases from the landfill gas destruction system shall be conducted to evaluate gas destruction efficiency.</li> <li>• The gas collection system shall be adjusted and improved based on quarterly monitoring and annual stack testing results.</li> </ul> <p>The following activities shall occur based on SCAQMD Rule 403 - Fugitive Dust:</p> <ul style="list-style-type: none"> <li>• Emission controls necessary to assure that dust emissions are not visible beyond the landfill property boundary shall be implemented.</li> <li>• New cell construction and cell closure activities shall not occur simultaneously.</li> <li>• The Rule 403 Fugitive Dust Emissions Control Plan for the landfill, approved by SCAQMD in May 1993, shall be adhered to. The plan itemized various control strategies for dust emissions from earthmoving, unpaved road travel, storage piles, vehicle track-out, and disturbed surface areas, including watering, chemical stabilizers, revegetation, and operational controls or shutdown for implementation during both normal and high wind conditions.</li> <li>• Rule 403 Fugitive Dust Emissions Control Plan shall be revised on an annual basis.</li> </ul> | LEA, SCAQMD          | <p>LEA and SCAQMD to review inspection reports and to conduct inspections upon agency discretion.</p> <p>SCAQMD to review and approve annual revisions of the Rule 403 Dust Emission Control Plan.</p> |
| AQ-3           | <p>The following mitigation measures exceed current regulatory requirements and shall be incorporated by design, construction, and operation:</p> <ul style="list-style-type: none"> <li>• PM<sub>10</sub> monitoring stations and an onsite meteorological station shall be installed and operated, as agreed in consultation with the SCAQMD.</li> <li>• Where feasible, landfill roads shall be paved.</li> <li>• Portions of paved roads abutting unpaved haul truck</li> </ul>  | LEA, SCAQMD          | <p>LEA and SCAQMD to review construction plans prior to construction of each phase.</p> <p>LEA and SCAQMD to conduct inspection upon agency discretion.</p>  |

| Mitigation No. | Mitigation Measure   | Responsible Agencies | Implementation and Timing  |
|----------------|--|----------------------|--|
| AQ-4           | <p>traffic areas shall be routinely swept and/or washed.</p> <ul style="list-style-type: none"> <li>Onsite vehicles shall be routinely maintained.</li> </ul> <p>In the event monitoring indicates that permissible levels of PM<sub>10</sub> are being exceeded, some combination of the following dust control measures shall be implemented:</p> <ul style="list-style-type: none"> <li>Washing of truck wheels.</li> <li>Routing paved access roads away from directions that result in property boundary impacts.</li> <li>Curtailing specific activities (e.g., new phase construction) when conditions are unfavorable for fugitive PM<sub>10</sub> control.</li> </ul> | LEA, SCAQMD          | <p>LEA and SCAQMD to review inspection reports prepared by USA Waste upon agency discretion.</p> <p>LEA and SCAQMD to conduct onsite inspection during construction and through landfill operation upon agency discretion.</p> |
| AQ-5           | <p>The following activities would occur based on SCAQMD Regulation XIII - New Source Review:</p> <ul style="list-style-type: none"> <li>Control devices for stationary emission sources shall be provided which satisfy BACT requirements.</li> <li>NO<sub>x</sub>, ROG, SO<sub>x</sub>, and PM<sub>10</sub> emissions from stationary sources shall be offset according to SCAQMD requirements for essential public services.</li> </ul>  | SCAQMD               | SCAQMD to review and approve the ATC and PTO prior to installation of air emission control devices.  |
| AQ-6           | <p>The following activity shall occur based on SCAQMD Regulation XIV - Toxics and Other Noncriteria Pollutants:</p> <ul style="list-style-type: none"> <li>Control devices for stationary emission sources shall be provided which assure that emissions of potentially carcinogenic and/or toxic compounds do not result in unacceptable health risks downwind of the landfill.</li> </ul>  | SCAQMD               | SCAQMD to review and approve the ATC and PTO prior to installation of air emission control devices.  |
| AQ-7           | Onsite vehicles shall be routinely maintained.   | SCAQMD               | SCAQMD to review USA Waste vehicle maintenance records upon discretion of agency.  |
| AQ-8           | Heavy construction equipment shall use low sulfur fuel (<0.05 percent by weight) and shall be properly tuned and maintained to reduce emissions.   | SCAQMD               | USA Waste to specify sulfur content conditions in contracts for fuel, and maintain contracts on file. SCAQMD to review files upon agency discretion.   |
| AQ-9           | Construction equipment shall be fitted with the most modern emission control devices.  | SCAQMD               | USA Waste to keep records documenting onsite vehicle compliance. SCAQMD to review records upon agency discretion.  |
| AQ-10          | The project shall comply with SCAQMD Rule 461 which establishes requirements for vapor control from the transfer of fuel from the fuel truck to vehicles.  | SCAQMD               | USA Waste to keep records documenting compliance. SCAQMD to review records upon agency discretion.   |

| Mitigation No. | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
|----------------|---|----------------------|--|
| AQ-11          | <p>Prior to construction and construction/operation activities, the following premonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:</p> <ul style="list-style-type: none"> <li>• Normal landfill operations and cell construction/closure activities shall be preplanned to avoid potentially adverse alignments (both horizontally and vertically) during anticipated periods of meteorological conditions which could result in the greatest property boundary concentration.</li> <li>• During periods when both disposal and construction activities are occurring, downwind property line monitoring of NO<sub>2</sub> shall be implemented for wind and stability conditions which could result in the highest boundary concentrations.</li> </ul> <p>During construction and construction/operation activities, the following postmonitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:</p> <ul style="list-style-type: none"> <li>• If monitoring determines that the 1-hour NO<sub>2</sub> standard (i.e., 470 µg/m<sup>3</sup>) is being approached (i.e., within 95 percent of the standard or approximately 450 µg /m<sup>3</sup>), construction or cell closure activities shall be curtailed until the appropriate tiered mitigation measures can be implemented, or until adverse meteorological conditions no longer exist.</li> <li>• The waste placement and/or clay preparation areas shall be moved to a preplanned alternative working location to separate emissions from clay placement construction emissions.</li> <li>• Construction procedures shall be configured such that operations requiring heavy equipment do not occur simultaneously (e.g., clay placement and protective soil placement by scrapers will not be done during periods with adverse meteorological conditions).</li> </ul> | LEA, SCAQMD          | <p>LEA and SCAQMD to review inspection reports prepared by USA Waste upon agency discretion.</p> <p>LEA and SCAQMD to conduct onsite inspection during construction and through landfill operation upon agency discretion.</p> |

| Mitigation No. | Mitigation Measure   | Responsible Agencies | Implementation and Timing   |
|----------------|--|----------------------|---|
| AQ-12          | <ul style="list-style-type: none"> <li>Construction scheduling will be slowed to reduce daily equipment usage.</li> <li>Hours of construction with designated pieces of equipment (e.g., scrapers) shall be constrained to occur outside of peak adverse meteorological conditions.</li> </ul> <p>Within three years of start date [July 1, 2001], USA Waste or its successor-in-interest shall submit to the County of Riverside an evaluation of the technological and economical feasibility of using natural gas fuel or other alternative fuel in transfer trucks. The technological feasibility of the evaluation shall include review comments by the South Coast Air Quality Management District. The evaluation shall be subject to County approval. If the County finds that natural gas fuel or other alternative fuel in transfer trucks is technologically and economically feasible, USA Waste or its successor-in-interest shall develop and implement a program to phase-in transfer trucks capable of using these fuels. The program shall be subject to County approval. If the County concludes that transfer trucks capable of using alternative fuels are not technologically and economically feasible, USA Waste or its successor-in-interest shall periodically reevaluate the feasibility of using alternative fuels in transfer trucks. Such reevaluations shall be at least every three (3) years. USA Waste or its successor-in-interest shall, however, conduct such a reevaluation anytime deemed appropriate by County.</p> <p>The project shall provide the required emission reductions of NO<sub>x</sub> and ROG sufficient to cause no net increase of project emissions.</p> | RCDWR                | <p>The feasibility studies of alternative fuels for transfer trucks to be submitted by USA Waste to RCDWR in accordance with the schedule included in this measure.</p> <p>Alternative fueled transfer trucks to be phased-in by USA Waste upon a determination that they are technologically and economically feasible.</p>  |
| AQ-13          |  | SCAQMD, RCDWR        | <p>Prior to the fourth quarter of each calendar year, USA Waste will estimate maximum project emission rates of NO<sub>x</sub> and ROG for the upcoming calendar year. USA Waste will also adjust the emission estimates for SCAQMD Priority Reserve emission reduction credits (ERCs) and baseline emission rates at the currently permitted waste disposal rate of 4,000 tons per day.</p> <p>USA Waste will provide written proof of acquisition</p> |

| Mitigation No.              | Mitigation Measure  | Responsible Agencies            | Implementation and Timing   |
|-----------------------------|---|---------------------------------|---|
| AQ-14                       | USA Waste shall amend its Policies and Procedures Manual at the landfill to require that heavy construction and operating equipment at the landfill shall not idle for longer than 15 minutes.  | RCDWR                           | <p>of NOx, and ROG ERCs in a quantity at least equal to the difference between the adjusted emission rates (see above) and the SCAQMD emission rate thresholds for facility operations.</p> <p>The information described above will be incorporated as part of the Annual Mitigation Monitoring Program Status Report and provided to the SCAQMD and RCDWR at least 90 days prior to the start of each calendar year.</p> <p>USA Waste to keep records documenting compliance. SCAQMD and RCDWR to review records upon agency discretion.</p> <p>USA Waste to keep records documenting compliance. RCDWR to review records upon its discretion.</p> |
| <b>Biological Resources</b> |   |                                 |   |
| B-1                         | Development shall be phased so that the area to be disturbed shall be minimized. Restoration of previously disturbed areas shall be performed in accordance with the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto. | USFWS, CDFW, ACOE, RWQCB, RCDWR | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period.  |
| B-2                         | Areas within the landfill limits of disturbance shall be restored with Riverside sage scrub in accordance with the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto.   | USFWS, CDFW, ACOE, RWQCB, RCDWR | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period.  |
| B-3                         | Dudleya salvaging and restoration shall be performed in accordance with the Multiple Species Habitat Conservation Plan for the El Sobrante Landfill and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto.   | USFWS, CDFW, ACOE, RWQCB, RCDWR | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period.  |

| Mitigation No. | Mitigation Measure  | Responsible Agencies                               | Implementation and Timing   |
|----------------|---|--|---|
| B-4            | <p>Prior to disturbance to wetland/riparian areas, a wetland compensation and mitigation plan shall be developed in consultation with the ACOE, if a 404 Permit is required, the CDFW, pursuant to Section 1603 of the California Fish and Game Code, the RWQCB, pursuant to 401 Water Quality requirements and/or policies to protect wetlands, and the USFWS, if consultation is triggered pursuant to Section 7 of the Endangered Species Act. Mitigation of riparian habitats shall be targeted at a 3:1 ratio with compensation of 6.36 acres. Target mitigation of an additional 1.28 acres of riparian herb vegetation shall be at a 1:1 ratio. Final determination of mitigation ratios shall be made subsequent to onsite evaluation by the ACOE, CDFW, RWQCB, and/or USFWS and shall not be unreasonable or arbitrary.</p> <p>Activities to mitigate the disturbance to wetlands may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Identification and assessment of sites and specific riparian mitigation measures along Temescal Wash.</li> <li>• Enhancement of degraded areas within existing channels.</li> <li>• Weed removal to improve existing riparian habitat.</li> <li>• Potential purchase of offsite riparian habitat.</li> </ul> | <p>USFWS,<br/>CDFW, ACOE,<br/>RWQCB,<br/>RCDWR</p> | <p>The wetland compensation and mitigation plan to be developed in consultation with the USFWS and CDFW. The final determination of wetland mitigation ratios to be made by the USFWS, ACOE, and CDFW.</p> <p>Ongoing monitoring and reporting to be conducted in accordance with the approved wetland compensation and mitigation plan through landfill operation and postclosure monitoring period.</p> |
| B-5            | <p>Activities to mitigate the disturbance to wetlands may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Identification and assessment of sites and specific riparian mitigation measures along Temescal Wash.</li> <li>• Enhancement of degraded areas within existing channels.</li> <li>• Weed removal to improve existing riparian habitat.</li> <li>• Potential purchase of offsite riparian habitat.</li> </ul>  | <p>USFWS,<br/>CDFW, ACOE,<br/>RWQCB,<br/>RCDWR</p> | <p>The wetland compensation and mitigation plan to be developed in consultation with the USFWS and CDFW. The final determination of wetland mitigation ratios to be made by the USFWS, ACOE, and CDFW.</p> <p>Ongoing monitoring and reporting to be conducted in accordance with the approved wetland compensation and mitigation plan through landfill operation and postclosure monitoring period.</p> |
| B-6            | <p>The purchase of offsite riparian/wetland habitat shall be incorporated into the mitigation plan in the event that the ACOE Section 404 permit and CDFW Section 1603 agreement process conclude that onsite enhancement and offsite mitigation along Temescal Wash could not provide sufficient compensation for disturbance to onsite riparian habitat. If this mitigation were implemented, surveys shall be conducted in coordination with USFWS and CDFW to identify offsite riparian habitat that would be suitable for purchase as mitigation for onsite habitat disturbance. Considerations shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Proximity to landfill site.</li> <li>• Similarity of adjacent habitat.</li> </ul>   | <p>USFWS,<br/>CDFW, ACOE</p>                       | <p>The wetland compensation and mitigation plan to be developed in consultation with the USFWS, CDFW, and ACOE.</p> <p>The purchase of offsite riparian/wetland habitat, if such purchase is required, to be incorporated into the wetlands compensation and mitigation plan developed in consultation with the USFWS, CDFW, and ACOE.</p>  |

| Mitigation No. | Mitigation Measure  | Responsible Agencies     | Implementation and Timing  |
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|                | <ul style="list-style-type: none"> <li>• Management plans.</li> <li>• Comparability.</li> <li>• Sustainability.</li> <li>• Cost.</li> </ul>   |                          |  |
| B-7            | Wetland/riparian habitat mitigation shall be implemented in accordance with all permits, approvals, and/or agreements as may be required by ACOE, CDFW, RWQCB, and/or USFWS.  | ACOE, CDFW, RQOCB, USFWS | Ongoing monitoring and reporting to be conducted in accordance with the approved wetland compensation and mitigation plan through landfill operation and postclosure monitoring period.  |
| B-8            | Landfill personnel shall be instructed as to the requirement for and importance of restoration of completed areas of the site.  | USFWS, CDFW              | USA Waste to instruct personnel and to provide copy of training materials to the USFWS and CDFW prior to closure of the initial phase of the expanded landfill.  |
| B-9            | Approximately 406 acres of undisturbed open space, upon which a Declaration of Conservation Covenants and Restrictions has been recorded in favor of CDFW and USFWS, shall be maintained and managed for the benefit of Covered Species, pursuant to federal and state incidental take permits and the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto.   | RCDWR                    | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period. |
| B-10           | Pursuant to Section 5 of the Agreement, USA Waste or its successor-in-interest shall pay the County a per ton charge for the deposit of Non-County waste at El Sobrante Landfill, \$1.50 of which shall be utilized for multi-species habitat acquisition and management, including planning and research activities, as provided in Section 10.7 of the Agreement and as approved by the Board of Supervisors on September 1, 1998. Monies to be utilized for multi-species purposes shall be deposited in a trust fund administered by the Executive Officer of the County. | RCDWR                    | Landfill scales to be operated by RCDWR ongoing through the operation of the landfill.<br><br>RCDWR to collect \$1.50/ton and disburse funds to appropriate agencies, ongoing through the operation of the landfill.   |
| B-11           | In the unlikely event that out-of-County waste ceases to be disposed of at El Sobrante, use of the 60 million tons of air space currently allocated for out-of-County waste shall include the requirement for payment of \$1.00 per ton for multispecies habitat acquisition and management.  | RCDWR                    | Landfill scales to be operated by RCDWR ongoing through the operation of the landfill.<br><br>RCDWR to collect \$1.00/ton for in-County waste in the event that out-of-County waste ceases to be   |

| Mitigation No. | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
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| B-12           | Lighting at the working face shall be downcast and shielded to minimize reflection, and shall be directed inward toward the landfill.   | RCDWR                | disposed of at the landfill, and disburse funds to appropriate agencies, ongoing through the operation of the landfill.<br>RCDWR to conduct inspections at their discretion.   |
| B-13           | A predator monitoring and control plan shall be implemented in accordance with the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto.   | USFWS, CDFW          | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period. |
| B-14           | Brush clearing and habitat removal in each phase of landfill expansion will not be allowed to occur between February 1 and August 15, pursuant to the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto.  | USFWS, CDFW          | USFWS and CDFW to review landfill development phasing plans prior to construction of each phase.<br><br>USFWS and CDFW to monitor landfill site habitat and landfill development per discretion of the respective agencies.                                  |
| B-15           | When the landfill expansion is complete (i.e., after closure of all phases and at the end of the postclosure monitoring maintenance period [currently a minimum of 30 years]), including all restoration activities in accordance with the <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto, the area of onsite disturbance (approximately 645 acres) shall be kept in permanent conservation through a conservation easement in favor of the CDFW. In the event that CDFW revokes its acceptance of the conservations easement, the land shall be placed into conservation with the County, or other County-designated entity, such as Western Riverside County Regional Conservation Authority as approved by the US Fish and Wildlife Service and the El Sobrante habitat management committee. | RCDWR                | Ongoing monitoring and reporting to be conducted in accordance with the approved <i>Multiple Species Habitat Conservation Plan for the El Sobrante Landfill</i> and its Implementing Agreement through landfill operation and postclosure monitoring period. |
| B-16           | USA Waste or its successor-in-interest shall continue to include the County in all aspects of future permitting   | RCDWR                | Upon the request of the County, USA Waste will cooperate in discussions with the USFWS regarding   |



| Mitigation No.            | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
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| <b>Cultural Resources</b> |   |                      |  |
| C-1                       | <p>processes involving USFWS, pursuant to Section 7 of the Endangered Species Act, CDFW, pursuant to Section 1603 of the California Fish and Game Code, ACOE 404 permitting, and RWQCB, pursuant to 401 Water Quality requirements and/or policies to protect wetlands.</p> <p>Prior to grading, a Registered Professional Archaeologist (RPA)-certified archaeologist(s) shall be retained, at the expense of the project, to provide surface collection, mapping, and test excavations for identified archaeological sites. If the sites are determined to be important, the resources within these sites shall be either preserved or a data recovery excavation shall be conducted.</p> | RCPD                 | <p>the development of an agreement that allows a portion of the multispecies mitigation monies to be used for research and planning.</p> <p>RCPD to determine appropriate action based on archaeologist's findings during each landfill expansion phase.</p>   |
| C-2                       | <p>Routine road or stormwater facilities, maintenance or other land-altering activities in the vicinity of sites shall be monitored by a Registered Professional Archaeologist (RPA)-certified archaeologist to prevent inadvertent disturbance or loss of important resources.</p>   | RCPD                 | <p>RCPD to review semiannual monitoring reports submitted by the approved archaeologist.</p> <p>RCPD to determine appropriate action based on archaeologist's findings during each landfill expansion phase.</p>   |
| C-3                       | <p>The status of the sites shall be monitored on a semi-yearly basis to assure that incidental disturbance or recreational collection of resources has not occurred.</p>  | RCPD                 | <p>RCPD to review semiannual monitoring reports submitted by the approved archaeologist.</p> <p>RCPD to determine appropriate action based on archaeologist's findings during each landfill expansion phase.</p>   |
| C-4                       | <p>In the event of an accidental discovery or recognition of any human remains, Public Resources Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:</p> <ul style="list-style-type: none"> <li>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to</li> </ul>  | RCPD                 | <p>RCPD to review semiannual monitoring reports submitted by the approved archaeologist.</p> <p>Archaeologist to notify RCPD and County Coroner upon finding human remains or burial artifacts.</p> <p>RCPD to consult with Native American Heritage Commission to determine appropriate action upon discovery of human remains or burial artifacts.</p> |

| Mitigation No. | Mitigation Measure  | Responsible Agencies | Implementation and Timing   |
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|                | <p>determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or</p> <ul style="list-style-type: none"> <li>• Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance: <ul style="list-style-type: none"> <li>○ The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being granted access to the site;</li> <li>○ The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ul> </li> </ul> |                      |   |
| C-5            | The approved archaeological mitigation measures shall be affixed to all copies of the project grading plans.  | RCEDA                | RCEDA to attach measures upon approval of grading plans and prior to issuance of grading permits. |

| Mitigation No.                       | Mitigation Measure   | Responsible Agencies          | Implementation and Timing   |
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| <b>Geology, Soils and Seismicity</b> |  |                               |   |
| G-1                                  | The landfill and associated structures shall be designed and constructed to withstand the expected ground motions and potential effects of seismic ground shaking.   | RCEDA, LEA, RWQCB, CALRECYCLE | Building plans to be reviewed and approved at the discretion of RCEDA prior to issuance of grading permits (building permits for structure).<br><br>Building to be inspected at the discretion of the RCEDA prior to occupancy certification.   |
| G-2                                  | Final exterior waste fill slopes shall not be steeper than 1.75:1 with a minimum of one 15-foot wide bench for every 50-feet of vertical height.   | LEA, RWQCB, CALRECYCLE        | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.<br><br>Landfill to be inspected at the discretion of the LEA and RWQCB prior to initiation of operations of the landfill expansion and through the life of the expansion. |
| G-3                                  | A slope or foundation stability report shall be prepared by a registered civil engineer or certified engineering geologist. The report must indicate at least a 1.5 factor of safety for the critical slope under dynamic conditions, or appropriate factor of safety in accordance with applicable regulations. | LEA, RWQCB, CALRECYCLE        | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.<br><br>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.   |
| G-4                                  | In lieu of achieving a 1.5 factor of safety under dynamic conditions, a more rigorous analytical method that provides a quantified estimate of the magnitude of movement may be employed.  | LEA, RWQCB, CALRECYCLE        | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.<br><br>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.   |
| G-5                                  | Significant slopes (including cut, fill, and waste prism slopes greater than 20 feet high and steeper than 3:1) shall be designed to comply with RWQCB and   | LEA, RWQCB, CALRECYCLE        | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.<br><br>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.   |

| Mitigation No. | Mitigation Measure   | Responsible Agencies          | Implementation and Timing  |
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| G-6            | <p>CALRECYCLE requirements for the identified maximum probable earthquake peak acceleration.</p> <p>RWQCB and CALRECYCLE requirements shall be complied with, and the final cover surface slopes shall be limited to 3:1, based on seismic considerations, with intermediate fill stage heights limited to 70 feet, with 15-foot wide benches to improve stability, unless subsequent analyses verify the acceptability of steeper slopes or greater fill heights. Under no circumstance, however, shall the final exterior waste fill slope be steeper than 1.75:1 (see G-2 above).</p> | <p>LEA, RWQCB, CALRECYCLE</p> | <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p> <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p> <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p> |
| G-7            | <p>Slope buttresses shall be provided, if necessary, to increase slope stability and reduce deformations.</p>  | <p>LEA, RWQCB, CALRECYCLE</p> | <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p>   |
| G-8            | <p>Parameters developed by geosynthetic and geotechnical testing shall be included in the analysis of liner systems on side slopes. Residual strength values (i.e., after shearing) shall be used, unless control of peak strengths can be demonstrated.</p>   | <p>LEA, RWQCB, CALRECYCLE</p> | <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p> <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p>   |
| G-9            | <p>A post-earthquake inspection plan shall be submitted to the RWQCB and CALRECYCLE, for approval which provides for detailed site inspection after an earthquake of magnitude (M) 5.0 or greater within 25 miles of the site to determine the integrity of landfill structures and systems. The plan shall identify appropriate measures which may be initiated to correct earthquake-related damage. Also, a routine inspection plan shall be developed and implemented by a registered certified engineer to examine slope conditions.</p>  | <p>LEA, RWQCB, CALRECYCLE</p> | <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p> <p>The LEA and RWQCB to review and approve plan for the landfill prior to issuance of the SWFP.</p> <p>Routine inspections to be conducted by a registered engineer or registered geologist in accordance with the approved plan.</p>    |
| G-10           | <p>If geotechnical investigations reveal the need for blasting for a specific landfill phase, a blasting study shall be conducted in compliance with County requirements. If such a study is necessary, it shall be conducted by a</p>   | <p>RCPD</p>                   | <p>County Engineering Geologist (RCPD) to determine potential necessity for blasting study prior to approval of each landfill expansion phase.</p>   |

| Mitigation No. | Mitigation Measure  | Responsible Agencies   | Implementation and Timing   |
|----------------|---|------------------------|---|
| G-11           | <p>licensed engineer and submitted to the County Engineering Geologist for approval.</p> <p>If isolated saturated bedrock conditions are encountered in cut slopes, appropriate drainage systems shall be installed. These systems could consist of weep systems, subdrain systems, or the flattening of excavated cut slopes to improve slope stability.</p> | LEA, RWQCB, CALRECYCLE | <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p> <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p>  |
| G-12           | <p>Landfill liners shall be placed over the side slopes, and surface water runoff control systems (e.g., V-ditches at the top of slopes) shall be constructed to prevent uncontrolled flow down the face of the slopes.</p>   | LEA, RWQCB, CALRECYCLE | <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p> <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p>  |
| G-13           | <p>Structural fills shall be built above ground water and compacted in place to a specific high relative density.</p>   | LEA, RWQCB, CALRECYCLE | <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p> <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p>  |
| G-14           | <p>Expansive index testing shall be performed to verify the suitability of native soils for fill materials. If testing indicates a potential for high expansiveness in the soil, such soils shall be either treated (e.g., mixed with non-expansive soils) or removed.</p>  | LEA, RWQCB, CALRECYCLE | <p>Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.</p> <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p>  |
| G-15           | <p>Blasting shall be conducted in compliance with local building code requirements to prevent damage to structures and new construction from shear waves generated during blasting.</p>   | RCPD                   | <p>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.</p> <p>County Engineering Geologist (RCPD) to approve independent, qualified consultant to monitor blasting operation prior to construction of each landfill phase which will involve blasting.</p> |
| G-16           | <p>Only state-licensed blasters shall be used to design, supervise, and detonate explosives on the site.</p>  | RCPD                   | <p>County Engineering Geologist (RCPD) to verify state-licensing of contractor prior to each blasting operation.</p>  |
| G-17           | <p>Seismic monitoring of each blast shall be conducted by an independent, qualified consultant.</p>   | RCPD                   | <p>County Engineering Geologist (RCPD) to approve monitoring consultant prior to each construction phase requiring blasting.</p>  |

| Mitigation No.                     | Mitigation Measure  | Responsible Agencies | Implementation and Timing   |
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| G-18                               | There shall be no onsite storage of explosives. Explosives shall be transported to the site by the licensed blaster on an as-needed basis.  | RCPD                 | Consultant to provide information to the RCPD upon request during construction phases requiring blasting.<br>County Engineering Geologist (RCPD) to monitor blasting operations and verify that there is no onsite storage of explosives through each construction phase and ongoing operation of the landfill. |
| G-19                               | USA Waste shall inform the Riverside County Sheriffs Department (Sheriffs Dept.) and the Riverside County Fire Department (Fire Dept.) prior to blasting.   | RCPD                 | County Engineering Geologist (RCPD) to confirm notification of Sheriff's and Fire Departments prior to each construction phase involving blasting.  |
| G-20                               | USA Waste shall notify neighbors within 1,000 feet of potential blasting areas prior to a blasting episode.   | RCPD                 | County Engineering Geologist (RCPD) to receive copies of notifications and copy of distribution list from USA Waste prior to each blasting operation.   |
| G-21                               | A record of each blast shall be retained for at least three years and shall be submitted to the County Building and Safety Department as requested by the Building and Safety Director.   | RCBSD                | Upon completion of each blasting phase, state-licensed blaster to provide reports to USA Waste for record maintenance.<br><br>USA Waste to provide copies of blasting records to the RCBSD upon request.  |
| G-22                               | Preblast inspections shall be made by a civil engineer licensed by the State of California of residences and facilities existing at the time of landfill permit approval and located within 1,000 feet of potential blasting areas.   | RCPD                 | County Engineering Geologist (RCPD) to review inspection report prior to initial blasting operation.  |
| G-23                               | A letter containing a general description of the blasting operations and precautions, including the blast-warning whistle signals that are required by the State of California Construction Safety orders, shall be sent to residents within a one-half mile radius of the landfill operations by USA Waste in accordance with applicable regulations.      | RCPD                 | County Engineering Geologist (RCPD) to review and approve letter and distribution prior to initial blasting operation.  |
| G-24                               | Blasting complaints, if any, shall be recorded by USA Waste as to complainant, address, data, time, nature of the complaint, name of the person receiving the complaint, and the complaint investigation conducted. Complaint records shall be made available to the County Engineering Geologist, Planning Department, and Building and Safety Department. | RCPD, RCBSD, LEA     | County Engineering Geologist, RCPD, RCBSD, and LEA to review complaints upon discretion of each respective department.  |
| <b>Land Use and Land Use Plans</b> |   |                      |   |

| Mitigation No. | Mitigation Measure  | Responsible Agencies        | Implementation and Timing   |
|----------------|---|-----------------------------|---|
| L-1            | The development of EI Sobrante Landfill Expansion shall be in accordance with the mandatory requirements of all applicable County ordinances and shall conform substantially with the project description in the EIR (State Clearinghouse No. 90020076), as filed in the office of the RCDWR.   | RCDWR, RCPD                 | The plans for the development of the landfill are to be reviewed and approved by RCDWR and RCPD to assure compliance with applicable County ordinances.                 |
| L-2            | Prior to any offsite grading, USA Waste or its successor-in-interest shall obtain and record appropriate offsite easements.   | RCDWR                       | Recorded easements for offsite areas to be provided to RCDWR prior to grading for each area.  |
| L-3            | A Citizen Oversight Committee shall be formed by the Board of Supervisors upon approval of the project. The Citizen Oversight Committee shall be composed of a total of five (5) members, whose term of service will be established upon formation of the committee. Three (3) of the five (5) members will be appointed by the Supervisor of the district in which the landfill is located. Of these three (3), two (2) members must reside within a three (3) mile radius of the landfill property. One (1) member shall be a representative from a corporate operation within a three (3) mile radius of the landfill property. The remaining two (2) members will be appointed by the entire Board of Supervisors and shall be chosen at large to represent the affected communities of interest. | County Board of Supervisors | The Citizen Oversight Committee to be established by the Board of Supervisors.<br><br>The Citizen Oversight Committee to meet at least once annually.                   |
| L-4            | The Citizen Oversight Committee shall meet at least once annually to review the Annual Status Reports that will be submitted by an Administrative Review Committee which will include all reports and data that will be provided by USA Waste or its successor-in-interest and shall submit written comments on the project to the Board of Supervisors as they deem necessary.   | County Board of Supervisors | The Citizen Oversight Committee to be established by the Board of Supervisors.<br><br>The Citizen Oversight Committee to meet at least once annually.                   |
| <b>Noise</b>   |   |                             |   |
| N-1            | Excavation and liner construction of new landfill cells shall be limited to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday, with the following restrictions:<br>a) the conveyor belt system shall not be located less than   | LEA                         | USA Waste to provide operating plans to the LEA prior to excavation and linear construction of new landfill cells.<br><br>LEA to monitor construction operations at its |

| Mitigation No. | Mitigation Measure   | Responsible Agencies | Implementation and Timing   |
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|                | 295 feet from occupied residences; and b) excavation and liner construction of new cells within 10 feet of the top of slope will be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. |                      | discretion throughout the excavation and construction of the liner.   |
| N-2            | Landfill equipment working on the outside slopes of the landfill shall be limited to the hours of 8:00 a.m. to 5:00 p.m.   | LEA                  | USA Waste to provide operating plans to the LEA prior to excavation and linear construction of new landfill cells.<br><br>LEA to monitor construction operations at its discretion throughout the excavation and construction of the liner.   |
| N-3            | Construction equipment shall use industrial-grade mufflers to reduce noise emission.   | LEA                  | USA Waste to keep records documenting onsite vehicle compliance. LEA to review records upon agency discretion.  |
| N-4            | Blasting shall be postponed during temperature inversions and unfavorable wind conditions (wind blowing toward residences).  | RCPD                 | LEA to inspect vehicles upon agency discretion.<br>Licensed blasting contractor to monitor climatic conditions and postpone blasting in adverse conditions. As appropriate, contractor shall document climatic conditions in blast records to be maintained by USA Waste.                       |
| N-5            | Drilling and blasting shall be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and will not occur on federal, state, and local holidays.                                      | RCPD                 | County Engineering Geologist (RCPD) to coordinate with blasting contractor to assure suspension of blasting during unfavorable conditions. County Engineering Geologist (RCPD) to respond to noise complaints, if any, during construction of each landfill expansion phase requiring blasting. |
| N-6            | Acoustic blankets shall be used around drilling operations to reduce potential drilling noise.   | RCPD                 | County Engineering Geologist (RCPD) to monitor operations during construction of each landfill expansion phase requiring blasting.  |
| N-7            | Wherever feasible, temporary earthen or landscape berms, or other structures or measures, shall be utilized to reduce  | LEA                  | County Engineering Geologist (RCPD) to monitor operations during construction of each landfill expansion phase requiring blasting.<br>USA Waste to keep records of measure implemented to reduce potential nighttime noise impacts to   |



| Mitigation No.                   | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
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|                                  | potential noise impacts on surrounding homeowners from nighttime activities at the working face of El Sobrante. Any measures implemented for this purpose shall be subject to annual review by the Citizen Oversight Committee.   |                      | surrounding homeowners.<br>LEA to inspect the landfill at its discretion and respond to noise complaints, if any.  |
| <b>Paleontological Resources</b> |   |                      |  |
| P-1                              | A qualified paleontologist shall be retained, at the expense of the project, to monitor ongoing grading or other extensive activities in the Silverado Canyon and Lake Mathews formations. The monitoring program shall reflect the County's intent to research, recover, and preserve significant paleontological resources. | RCPD                 | RCPD to review and approve monitoring program submitted by paleontologist prior to issuance of grading permits.  |
| P-2                              | In the event that significant paleontological resources are uncovered during excavation, earthmoving and/or grading, work shall be redirected from the area until an appropriate data recovery program can be developed and implemented.  | RCPD                 | RCPD to be notified of discovery (by paleontologist) and enforce direction of grading activity, as necessary, through each phase of landfill construction.   |
| P-3                              | Recovered fossils shall be cleaned, cataloged, and identified to the lowest taxon possible. A report containing monitoring results, including an itemized list of fossils, shall be submitted to the County. A copy shall accompany the fossils to an appropriate repository.   | RCPD                 | RCPD to maintain copies of fossil inventory to be prepared and submitted by the approved paleontologist in accordance with the approved monitoring plan.   |
| P-4                              | Collected fossils shall be curated at a public institution with an educational/research interest in the material. The expenses shall be borne by the project.   | RCPD                 | RCPD to approve repository upon collection of fossils during initial construction phase.<br><br>RCPD to verify submittal of monitoring results and fossil inventory to the repository upon completion of initial construction phase and subsequent phases. |
| P-5                              | The approved paleontologic mitigation measures shall be affixed to all copies of the project grading plans.   | RCEDA                | RCEDA to attach measures upon approval of grading plans and prior to issuance of grading permits.  |
| <b>Traffic and Circulation</b>   |   |                      |  |
| T-1                              | Out-of-County waste from Los Angeles County, Orange County, San Bernardino County, and San Diego County shall be transported to El Sobrante by transfer trucks.   | RCDWR, LEA           | RCDWR and LEA to monitor out-of-County waste receipt at landfill scales.   |
| T-2                              | Transportation of out-of-County waste from areas other than Los Angeles County, Orange County, San Bernardino County, and San Diego County shall not be   | RCDWR, LEA           | RCDWR and LEA to monitor out-of-County waste receipt at landfill scales.   |

| Mitigation No.                       | Mitigation Measure   | Responsible Agencies | Implementation and Timing  |
|--------------------------------------|--|----------------------|--|
|                                      | permitted without additional environmental review and approval.  |                      |  |
| T-3                                  | Transfer trucks hauling waste from out-of-County to El Sobrante that use State Route (SR) 91 shall travel to and from the landfill during off-peak hours for SR 91.  | RCDWR,<br>RCTD       | USA Waste to provide truck routing and scheduling information to RCDWR and RCTD.   |
| T-4                                  | Vehicles delivering waste from out-of-County to be disposed at El Sobrante shall utilize on all trips (both inbound and outbound) only that portion of Temescal Canyon Road between its intersection with 1-15 and the landfill access road, except in the event of a closure of the on- and/or offramps at Temescal Canyon Road and 1-15.   | RCDWR,<br>RCTD       | USA Waste to provide truck routing and scheduling information to RCDWR and RCTD.   |
| T-5                                  | Except for vehicles collecting waste in the immediate vicinity of El Sobrante, USA Waste's or successor's-in-interest collection vehicles delivering waste from in-County to be disposed at El Sobrante shall utilize only that portion of Temescal Canyon Road between its intersection with 1-15 and the landfill access road for all trips (both inbound and outbound), except in the event of a closure of the on-and/or off-ramps at Temescal Canyon Road and 1-15. | RCDWR,<br>RCTD       | USA Waste to provide truck routing and scheduling information to RCDWR and RCTD.   |
| <b>Public Services and Utilities</b> |  |                      |  |
| U-1                                  | Access roads/streets shall be wide enough to accommodate movement and parking without hindering the flow of traffic. Roadway modifications shall be designed to provide smooth and orderly traffic flow and shall be well lighted.   | RCTD                 | RCTD to approve road improvement plans and inspect completed improvements prior to construction of the initial landfill expansion phase.                                     |
| U-2                                  | Warning or caution signs shall be placed on Temescal Canyon Road and the El Sobrante access road to indicate the presence of slow-moving traffic/trucks.   | RCTD                 | RCTD to review and approve proposed traffic control devices prior to construction of the initial landfill expansion phase.<br><br>RCTD to inspect devices upon installation. |
| U-3                                  | Upon assignment of a numbered street address by the County, the project entrance shall be clearly marked with address numbers.   | RCTD                 | RCTD to inspect address numbers prior to construction of the initial landfill expansion phase.   |
| U-4                                  | Buildings shall be constructed with fire retardant roofing material as approved by the County Fire Department.   | RCEDA                | Building plans to be reviewed and approved by the RCEDA prior to issuance of building permits.   |

| Mitigation No.         | Mitigation Measure  | Responsible Agencies | Implementation and Timing   |
|------------------------|---|----------------------|---|
| U-5                    | Water mains and fire hydrants providing required fire flows shall be constructed subject to approval by the County Fire Department.   | RCFD                 | RCEDA to inspect buildings upon completion.<br>RCFD to review and approve water system plans prior to issuance of building permits.   |
| U-6                    | Prior to approval of any development plan for lands adjacent to open space areas, a fire protection/revegetation management plan shall be submitted to the Riverside County Fire Department for review and comment.   | RCFD                 | RCFD to review And approve protection/revegetation plan prior to the construction of each phase.  |
| U-7                    | Landfill equipment operators, waste transfer vehicle drivers, and landfill personnel assigned to nighttime operations shall have appropriate training for night operation of heavy equipment.                         | LEA                  | USA Waste to maintain records and provide verification of appropriate employee training to LEA upon request.  |
| U-8                    | Portable lights shall be used at the working face to provide a safe working environment during nighttime operations.  | LEA                  | The LEA to inspect the site at their discretion.  |
| U-9                    | The landfill access road and onsite roads to the working face shall be equipped with reflectors, reflective cones, reflective barriers and signs.   | LEA                  | LEA to review and approve proposed traffic control devices prior to construction of the initial landfill expansion phase.<br>LEA to inspect devices upon installation and throughout operation of landfill per agency discretion. |
| U-10                   | Public access to the landfill shall be restricted to the hours of 6:00 a.m. to 6:00 p.m.  | LEA                  | LEA to inspect site records at its discretion to assure hours of operation are enforced.  |
| U-11                   | Installation of low flow toilets, faucets, and showers.   | RCEDA                | RCEDA to review and approve building and facility plans prior to issuance of building permits.  |
| U-12                   | Wastewater shall go to the Lee Lake Treatment Facility, which makes water available for reuse.  | RCDWR, RCEHA         | RCEDA to inspect buildings upon completion.<br>RCDWR and RCEHA to review and approve wastewater system plans prior to construction of the initial phase of the expansion.   |
| <b>Water Resources</b> |   |                      |   |
| W-1                    | Drainage structures, such as the perimeter drainage channels, sedimentation basins, leachate evaporation ponds, stormwater retention basins, and collection pipes and ditches, shall be inspected and maintained on a | RCFCD, LEA, RWQCB    | Improvements to be inspected upon construction and ongoing through the life of the expansion at the discretion of RCFCD, LEA, and RWQCB.  |

| Mitigation No. | Mitigation Measure  | Responsible Agencies   | Implementation and Timing   |
|----------------|---|------------------------|---|
| W-2            | regular basis.<br>Regular monitoring (and possibly testing) of perimeter drainage channels and retention ponds shall be completed to assure that discharged stormwater does not contain contaminants from the landfill.   | RCFCD, RWQCB           | RCFCD and RWQCB to review USA Waste records and conduct monitoring and/or testing per discretion of their respective jurisdictions.   |
| W-3            | A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared. It shall include a Spill Prevention and Response Plan and a monitoring plan. The facility shall implement "best management practices" as required by NPDES.   | RWQCB                  | SWPPP to be reviewed and approved by RWQCB prior to issuance of the SWFP.   |
| W-4            | Leachate shall be collected by the leachate collection and removal system (LCRS) installed at the base of each landfill cell. Such leachate shall be sampled regularly and, if necessary, treated prior to use for dust control on lined areas of the landfill.   | LEA, RWQCB, CALRECYCLE | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.<br><br>Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion. |
| W-5            | Stormwater runoff that falls on the active working face of the landfill shall be diverted to a collection sump and reused for dust control on lined areas of the landfill. The sump for stormwater runoff from the active working face shall be designed to hold the runoff from the 100-year, 24-hour storm.   | LEA, RWQCB, CALRECYCLE | Landfill design to be reviewed at the discretion of the LEA, RWQCB, and CALRECYCLE prior to construction of each phase.   |
| W-6            | Drainage improvements shall be designed and constructed to provide all-weather access to the landfill.  | RCTD, RCFCD            | Landfill to be inspected at the discretion of the LEA and RWQCB through the life of the expansion.<br>RCTD and RCFCD to review drainage improvement plan for landfill access prior to construction of such improvements.          |
| W-7            | To reduce the quantity of water used, the following measures shall be implemented: <ul style="list-style-type: none"> <li>• Low-flow plumbing fixtures shall be installed for onsite facilities.</li> <li>• Washwater for cleaning equipment at the operations and maintenance center shall be collected and recycled, and reused for washing or dust control.</li> <li>• Stormwater that falls on the active working face of the landfill shall be collected and used for dust control.</li> </ul> | RCEDA                  | RCEDA to review building plans (and washing facility plans) at its discretion prior to issuance of building permits.<br><br>RCEDA to inspect facilities at its discretion upon construction.                                      |
| W-8            | The liner system for the expansion of El Sobrante shall meet the following requirements:  | LEA, RWQCB, CALRECYCLE | Linear design of each expansion phase to be reviewed at the discretion of the LEA, RWQCB, and   |

| Mitigation No. | Mitigation Measure   | Responsible Agencies                  | Implementation and Timing   |
|----------------|--|---------------------------------------|---|
|                | <ul style="list-style-type: none"> <li>The liner system (inclusive of the bottom liner and the sideslope liner) of the landfill shall exceed the requirements of Subtitle D and California Code of Regulations (CCR) Title 27 and shall be composed of the alternative bottom liner (identified as Alternative Bottom Liner B2) and the alternative sideslope liner (identified as Sideslope Liner Alternative S2), which are both described and evaluated in Evaluation of Liner System Alternatives, El Sobrante Landfill Expansion, Riverside County, California, prepared by GeoSyntec Consultants and dated February 1998.</li> <li>If it is determined that this liner system will not meet the requirements of the regulatory agencies, a substitute liner system must be approved by the regulatory agencies, and evidence of such a determination shall be forwarded to the El Sobrante Landfill Administrative Review Committee of Riverside County. In this event, the substitute liner system shall be composed of a bottom liner and a sideslope liner that are at least equal to Alternative Bottom Liner B2 and Sideslope Liner Alternative S2, respectively, and must be approved by the Administrative Review Committee.</li> </ul> |                                       | <p>CALRECYCLE prior to construction of each phase.</p> <p>Liners to be inspected at the discretion of RWQCB upon installation and prior to receiving waste for each expansion phase.</p>  |
| W-9            | <p>Landfill gas collectors shall be placed as compacted lifts of waste are finished. Once sufficient waste has been placed above the collectors to prevent air intrusion, the collectors shall be used for active landfill gas extraction.</p>   | <p>LEA, RWQCB, CALRECYCLE, SCAQMD</p> | <p>Landfill gas collection system to be reviewed at the discretion of the LEA, RWQCB, CALRECYCLE, and SCAQMD prior to construction of each phase.</p> <p>LEA, RWQCB, and SCAQMD to review landfill gas monitoring reports (provided by USA Waste) and inspect systems. Report review to be conducted periodically and inspections upon agency discretion.</p> <p>Cover system to be reviewed at the discretion of the LEA and RWQCB prior to closure of each phase.</p> |
| W-10           | <p>The final cover of the landfill shall conform to Subtitle D and CCR Title 27, and shall consist of a minimum of four (4) feet of vegetative layer in accordance with the augmented cover described in the EIR (State Clearinghouse No. 90020076). Any change from the augmented cover shall require clearance from the RCDWR, the California Integrated Waste Management</p>  | <p>LEA, RWQCB</p>                     | <p>Cover to be inspected at the discretion of the RWQCB upon installation.</p>  |

| Mitigation No. | Mitigation Measure   | Responsible Agencies | Implementation and Timing   |
|----------------|--|----------------------|---|
| W-11           | Board (CALRECYCLE), Regional Water Quality Control Board (RWQCB), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFW).<br>In accordance with applicable regulations, landfill gas shall be monitored at the landfill perimeter and in the vadose zone.   | LEA, RWQCB, SCAQMD   | Monitoring reports to be submitted to and reviewed by the LEA, RWQCB, and SCAQMD ongoing through operation of the landfill, and during the postclosure monitoring period.   |
| W-12           | "Point of compliance" ground water monitoring wells, as required by CCR Title 27, shall be installed along the downgradient perimeter of the landfill footprint, pursuant to a monitoring plan approved by the RWQCB. These wells shall be sampled on a quarterly basis beginning one year prior to landfilling each respective cell, and will provide a secondary warning of a leak in the liner system.  | LEA, RWQCB           | LEA and RWQCB to review and approve location of ground water monitoring wells prior to issuance of SWFP and WDRs.<br><br>LEA and RWQCB to review quarterly monitoring reports beginning one year prior to landfilling each respective cell.   |
| W-13           | If leachate or landfill gas generated by the landfill expansion were determined to be a potential risk to ground water, a corrective action plan shall be developed and implemented in conjunction with the RWQCB as required by CCR Title 27.   | LEA, RWQCB, SCAQMD   | Leachate and landfill gas monitoring reports to be reviewed quarterly by the LEA, RWQCB, and SCAQMD.<br><br>As necessary, corrective action plan to be developed and implemented in consultation with RWQCB.  |
| W-14           | Whenever a specified material, design, system or action is required by the project or any exhibit thereto, USA Waste or its successor-in-interest may substitute such material, design, system or action, provided that: (Board of Supervisors)<br>Such material, design, system or action complies with applicable Federal, State, and local regulations; and,<br>Any Federal, State or local regulatory agency having jurisdiction has approved the use of the material, design, system or action for similar facilities (i.e., Class III landfills); and,<br>The General Manager - Chief Engineer of the RCDWR, with concurrence of the appropriate regulatory agency(ies), has determined that such material, design, system or action is technically equal, or superior to, those required in these conditions. | RCDWR, LEA, RWQCB    | Design of each expansion phase to be reviewed at the discretion of the LEA, RWQCB, and RCDWR prior to construction of each phase.<br><br>Construction of each phase of the expansion to be inspected at the discretion of LEA, RWQCB and RCDWR prior to receiving waste for each expansion phase. |
| W-15           | USA Waste or its successor-in-interest shall deposit 50  | RCDWR                | An Environmental Impairment Trust to be   |

| Mitigation No.                   | Mitigation Measure   | Responsible Agencies | Implementation and Timing   |
|----------------------------------|--|----------------------|---|
| W-16                             | <p>cents per ton into a Third Party, Environmental Impairment Trust, which fund shall be established and maintained throughout the life of the project. Any balance in the existing fund contributed by USA Waste or its successor-in-interest under the First El Sobrante Landfill Agreement, as amended, shall continue to accrue with deposits from all waste delivered to the site on or after the start date, including interest earnings on the funds, until the fund has reached a total of \$2,000,000, at which time deposits may be discontinued until withdrawals cause the fund to fall below the \$2,000,000 cap. The cap shall increase annually by 90 percent of the change in the Consumer Price Index (CPI) starting in the year 2002.</p> <p>Monies may be withdrawn from the Environmental Impairment Trust only for environmental remediation purposes with approval by USA Waste or its successor-in-interest and the General Manager - Chief Engineer of the RCDWR. The Trustee shall be required to report quarterly to the Department on all fund activity and balances.</p> | RCDWR                | <p>established upon receipt of the SWFP for the landfill.</p> <p>Funds to be withdrawn from the Environmental Impairment Trust only for environmental remediation purposes with the approval of USA Waste and the RCDWR.</p> <p>An Environmental Impairment Trust to be established upon receipt of the SWFP for the landfill.</p> <p>Funds to be withdrawn from the Environmental Impairment Trust only for environmental remediation purposes with the approval of USA Waste and the RCDWR.</p> |
| <b>Tribal Cultural Resources</b> |  |                      |   |
| TR-1                             | <p>Prior to impacts within the Phase 17 area, USA Waste of California, Inc. shall enter into an agreement with the Pechanga Band of Mission Indians for Native American monitoring. The Native American Monitor shall be on-site during all initial ground disturbing activities within Phase 17 including clearing, grubbing, tree removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p>  | RCPD, Tribe          | <p>Prior to impacts within the Phase 17 area and during all initial ground disturbing activities within Phase 17.</p> <p>Tribal monitor has authority to divert, redirect, or halt ground disturbance upon potential discovery.</p>   |
| TR-2                             | <p>If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:</p> <p>All ground disturbance activities within 100 feet of the</p>   | RCDWR, RCPD, Tribe   | <p>Upon discovery of unanticipated cultural resources during ground disturbance activities.</p> <p>Immediate cessation of ground disturbance within 100 feet of discovery of unanticipated cultural</p>   |

| Mitigation No. | Mitigation Measure  | Responsible Agencies | Implementation and Timing  |
|----------------|---|----------------------|--|
| TR-3           | <p>discovered cultural resource shall be halted and USA Waste of California, Inc. shall call the County Archaeologist, or qualified archaeologist (if the County Archaeologist position is vacant), immediately upon discovery of the cultural resource. A meeting shall be convened between USA Waste of California, Inc., Riverside County Department of Waste Resources, the County Archaeologist, and the Pechanga Band of Mission Indians, to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. USA Waste of California, Inc. is responsible for all costs associated with the disposition of cultural resources (curation, re-burial, etc.).</p> <p>USA Waste of California, Inc. shall relinquish ownership of all cultural resources, including sacred items, burial goods, and Human Remains after these items have been released by the County Coroner, and provide evidence to the satisfaction of the County Archaeologist that all archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), have been handled through one of the following methods:</p> <ol style="list-style-type: none"> <li>1. A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging, analysis and special studies have been completed on the cultural resource(s).</li> <li>2. Curation at a Riverside County Curation facility</li> </ol> | RCPD, Tribe          | <p>resource until decision between the identified parties is reached and accomplished as to the appropriate treatment of the cultural resource.</p> <p>Following recovery (in accordance with all other applicable mitigation measures within this MMP) of any cultural resource(s) at the El Sobrante Landfill.</p> |



| Mitigation No. | Mitigation Measure  | Responsible Agencies | Implementation and Timing |
|----------------|---|----------------------|---------------------------|
|                | <p>that meets federal standards per 36 Code of Federal Regulations (CFR) Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</p> <ol style="list-style-type: none"> <li>3. If more than one Native American Group is involved with the project and cannot come to an agreement between themselves as to the disposition of cultural resources, USA Waste of California, Inc. shall then proceed with curation at the Western Science Center.</li> <li>4. USA Waste of California, Inc. is responsible for all costs associated with the disposition of cultural resources (curation, re-burial, etc.).</li> </ol> |                      |                           |

V. ERRATA SHEET

This section provides a listing of the changes to mitigation measures (shown in red color text and underlined/~~crossed out~~ to indicate changes) incorporated into this MMP<sup>1</sup>.

Existing Mitigation Measure C-1 has been modified to reference a Registered Professional Archaeologist (RPA)-certified archaeologist rather than the existing reference to a Society of Professional Archaeologists (SOPA)-certified archaeologist (no longer exists):

“C-1 Prior to grading, a Registered Professional Archaeologist (RPA) ~~Society of Professional Archaeologists (SOPA)~~-certified archaeologist(s) shall be retained, at the expense of the project, to provide surface collection, mapping, and test excavations for identified archaeological sites. If the sites are determined to be important, the resources within these sites shall be either preserved or a data recovery excavation shall be conducted.”

Existing Mitigation Measure C-2 has been removed due to the addition of mitigation measure TR-2:

~~“C-2 In the event that additional archaeological sites are uncovered during initial grading, work shall be redirected and an archaeologist shall be retained at the expense of the project, to evaluate the importance of the site and, if necessary, shall develop and implement an appropriate data recovery program. The archaeologist shall be allowed to redirect grading in the area of exposed resources until inspection, evaluation, and recovery activities are completed.”~~

Existing Mitigation Measure C-3 has been re-numbered due to the removal of C-2 and modified to reference a RPA-certified archaeologist:

“C-2 3 Routine road or stormwater facilities, maintenance or other land-altering activities in the vicinity of sites shall be monitored by a Registered Professional Archaeologist (RPA) ~~SOPA~~-certified archaeologist to prevent inadvertent disturbance or loss of important resources.”

Existing Mitigation Measure C-4 has been re-numbered due to the removal of C-2:

“C-4 3 The status of the sites shall be monitored on a semi-yearly basis to assure that incidental disturbance or recreational collection of resources has not occurred.”

Existing Mitigation Measure C-5 has been removed due to the addition of mitigation measure TR-3:

~~“C-5 Archaeological materials recovered during surface collections, subsurface excavations, and monitoring shall be curated in perpetuity at a regional repository approved by the County. Expenses for curation shall be borne by the project.”~~

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<sup>1</sup> Includes updating the change of agency names for CDFW, Cal Recycle, and RCDWR (formerly CDFG, CIWMB, and RCWMD). Also, RCEDA, not the RCBSD (as previously listed), reviews facility plans and issues entitlements for applicable landfill development. These global updates are not reflected in red or underlined in the MMP

Existing Mitigation Measure C-6 has been re-numbered due to the removal of C-2 and C-5 and has been modified to more specifically reflect conditions involving the accidental discovery or recognition of human remains:

“C-6 4 In the event of an accidental discovery or recognition of any human remains, Public Resources Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
- Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being granted access to the site;
  - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

~~While the archaeological sites that will be affected by the proposed project are not expected to include human remains or burial artifacts, should such items be discovered during subsurface testing or data recovery, or if such items are discovered at unknown sites during construction or operation of the proposed action, project-related earthmoving activities shall be redirected away from the area. A SOPA-certified archaeologist shall consult with the County and representatives of local Native American groups regarding removal and re-interment.”~~

Existing Mitigation Measure C-7 has been re-numbered due to the removal of C-2 and C-5:

“C-7 5 The approved archaeological mitigation measures shall be affixed to all copies of the project grading plans.”

New Mitigation Measures TR-1, TR-2, and TR-3 have been added to specifically identify the Tribe for Native American monitoring and ownership of previously considered discovery of any unanticipated cultural resources:

“TR-1 Prior to impacts within the Phase 17 area, USA Waste of California, Inc. shall enter into an agreement with the Pechanga Band of Mission Indians for Native American monitoring. The

Native American Monitor shall be on-site during all initial ground disturbing activities within Phase 17 including clearing, grubbing, tree removal, grading and trenching. The Native American Monitor shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.

TR-2 If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and USA Waste of California, Inc. shall call the County Archaeologist, or qualified archaeologist (if the County Archaeologist position is vacant), immediately upon discovery of the cultural resource. A meeting shall be convened between USA Waste of California, Inc., Riverside County Department of Waste Resources, the County Archaeologist, and the Pechanga Band of Mission Indians, to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished. USA Waste of California, Inc. is responsible for all costs associated with the disposition of cultural resources (curation, re-burial, etc.).

TR-3 USA Waste of California, Inc. shall relinquish ownership of all cultural resources, including sacred items, burial goods, and Human Remains after these items have been released by the County Coroner, and provide evidence to the satisfaction of the County Archaeologist that all archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), have been handled through one of the following methods:

1. A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging, analysis and special studies have been completed on the cultural resource(s).
2. Curation at a Riverside County Curation facility that meets federal standards per 36 Code of Federal Regulations (CFR) Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
3. If more than one Native American Group is involved with the project and cannot come to an agreement between themselves as to the disposition of cultural resources, USA Waste of California, Inc. shall then proceed with curation at the Western Science Center.
4. USA Waste of California, Inc. is responsible for all costs associated with the disposition of cultural resources (curation, re-burial, etc.).”

**COUNTY OF RIVERSIDE  
DEPARTMENT OF WASTE RESOURCES  
NOTICE OF DETERMINATION**

**TO:**

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

X County Clerk  
County of Riverside

**FROM:**

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

**For County Clerk's Use Only:**

Original Negative Declaration/Notice of  
Determination was routed to County  
Clerks for posting on.

\_\_\_\_\_ Date

\_\_\_\_\_ Initial

*Ma Waste*

**SUBJECT:** Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code

**Project Title:** El Sobrante Landfill Solid Waste Facility Permit (SWFP) Modification Project (Project)

**State Clearinghouse (SCH) No.:** 1990020076 & 2007081054 **Contact:** Ryan Ross **Phone:** 951-486-3200

**Project Applicant/Property Owner & Address:** USA Waste of California, Inc.  
10910 Dawson Canyon Road, Corona, CA 92883-5020

**Project Location:** The facility is located in an unincorporated area of Riverside County at 10910 Dawson Canyon Rd, Temescal Valley, CA- east of Interstate 15, Temescal Canyon Road, south of Cajalco Road, and north of Dawson Canyon in western Riverside County (Portions of Sections 23, 24, 25, and 26, Township 4S, Range 6W and Portions of Section 19; Township 4S; Range 5W).

**Project Description:** The Project involves the modification of the landfill's SWFP, approval of the First Amended and Restated Second El Sobrante Landfill Agreement, as well as a revision to the El Sobrante Landfill Joint Technical Document (JTD), primarily to address the following: 1) reduction and reconfiguration of the overall limit of onsite and offsite grading; 2) relocation/reconfiguration of storm water retention ponds; and 3) construction of a new maintenance shop. Additional Project details are available in the Addendum to the El Sobrante Landfill EIR (January 2018).

**This is to advise that the Riverside County Board of Supervisors has approved the above-referenced Project on June 12, 2018 and has made the following determinations regarding that Project:**

1. The Project will not have a significant effect on the environment.
2. An Addendum to the El Sobrante Landfill EIRs (SCH No. 1990020076 & 2007081054) was prepared and certified for this Project pursuant to the provisions of the CEQA.
3. Mitigation measures were made a condition of the approval of this Project.
4. A mitigation reporting or monitoring plan was adopted for this Project.
5. A statement of Overriding Considerations was not adopted for this Project.
6. Findings were made pursuant to the provision of CEQA.

**This is to certify that the documents which comprise the record of proceedings and approval for the Project, including the administrative record, Landfill EIRs and Addendum, are available to the general public at:**  
Riverside County Department of Waste Resources, 14310 Frederick Street, Moreno Valley, CA 92553

**Signature:** \_\_\_\_\_

**Title:** Principal Planner

**Date:** June 12, 2018

**TO BE COMPLETED BY OPR**

Date Received for Filing and  
Posting at OPR:

**Ruth Brissenden, J.D.**  
PO Box 78824, Corona CA 92877  
Tel: (949) 212-6292 Fax: (949)743-0020  
ruthbrissenden@gmail.com

July 15, 2018

Board of Supervisors  
Riverside County  
County Administrative Center  
4080 Lemon Street Riverside, CA 92501

Dear Supervisors:

Please find below my comments pertaining to the El Sobrante Landfill Addendum to EIR.

I am a recent appointee to the El Sobrante Landfill Citizens Oversight Committee (COC). As a new member, I have done my best to get up to speed regarding the current status and issue relating to the landfill. As I see it, there is great concern over the status and circumstances surrounding storm water retention pond number 4 ("Pond 4").

Pond 4 was constructed in 2011 on property acquired by USA Waste of California Inc. in 2010. The newly acquired parcel was located completely outside the then-existing landfill footprint. According to the 2018 Addendum, (Page 6) the pond received approval for construction in its current location from both the Regional Water Quality Control Board (RWQCB) and the Riverside County Dept. of Environmental Health (the LEA). The pond, however, was constructed without review under CEQA and as required for all projects by the Riverside County Department of Waste Resources.

Clearly, a supplemental EIR or other environmental assessment should have been prepared prior to construction of Pond 4. Fast forward seven years, the landfill seeks to make changes by way of an Addendum to its existing EIR. The Addendum addresses environmental impacts of future relocation of other ponds within the landfill, however, it skims over the problem of past CEQA violation in the construction of Pond 4 attempting to absorb it into the underlying EIR. The failure to address the pond in the Addendum is based upon its status as an existing condition under CEQA Guidelines Section 15125 and therefore subject to inclusion in its present state under the environmental baseline depicted by the Addendum. Although case law supports this position,<sup>1</sup> it should be noted that the court's decision in *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th1428, was based, at least in part, on the fact that the preexisting unpermitted activities in question were the subject of current enforcement actions by the Army Corps of Engineers at the time. Other courts have also acknowledged that while past conditions may be irrelevant to CEQA baseline determinations, this does not mean that the past violations should be ignored; "How present conditions come to exist may interest enforcement agencies..." *Citizens for East Shore Parks v. California State Lands Commission* (2011) 202 Cal.App.4th 549; "...sub silentio approval of existing unauthorized activity is in an important sense an agency action." *League to Save Lake Tahoe v. Tahoe Regional Planning Agency* (2010) 739 F.Supp.2d. 1260. *Tahoe* also went on to say that a baseline may reflect damage that has already occurred as a result of illegal activity as well as the agency's present ability and responsibility to limit perpetuation of that harm through enforcement.

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<sup>1</sup> See Attachment E, ARC and COC Comments with County Responses at Page 2

12.1 C

I note from review of prior documents submitted by the COC, that the COC has been trying to get the Pond 4 issues addressed since at least 2014 to no avail. Meanwhile, the landowners adjacent to Pond 4, whose rights have been affected and whose views have been severely altered without due process, still suffer the visual impacts today as they did in 2011 when the Pond was first constructed. Moreover, in addition to the aesthetic impacts, the pond may pose a problem from vectors. The Addendum (Page 76) regarding relocation of other ponds in the landfill states that "the relocation/reconfiguration of storm water retention ponds would not be moved closer to the nearest residential areas where public health hazard concerns, such as from vectors, would be created." Pond 4 is already near a residential area and yet no review of such impact was afforded the residents near Pond 4 at the time it was constructed and no after-the-fact enforcement by any agency having authority over the landfill has ensued.

While Attachment E (ARC and COC comments and responses) submitted with the Addendum maintains that suitable habitat improvement projects have been implemented to address the aesthetics surrounding Pond 4, I am not convinced that the efforts of Waste Management in this regard adequately address the impacts from construction of Pond 4 at its current location. For example Attachment E seems to indicate that 15 Western Sycamores were planted in 2012, but only 2 survive to this day? It is unclear whether the 2 surviving Sycamores are part of the originals planted in 2012 or not. An organized effort involving the residents of Dawson Canyon seems to be lacking.

In conclusion, it is apparent that the impacts associated with the relocation of Pond 4 in 2011 are an ongoing dilemma that is sorely in need of resolution. I urge you to address this issue head on and task the appropriate agency(ies) with providing long awaited redress to the affected residents of Dawson Canyon.

Sincerely,

Ruth Brissenden  
El Sobrante Landfill COC

**From:** Kelli Noss  
**To:** Ross, Ryan  
**Subject:** Comments for the 7/17 Board of Supervisors Meeting  
**Date:** Sunday, July 15, 2018 2:25:00 PM

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To Whom It May Concern:

I wanted to take the opportunity to write in my comments before the Board of Supervisors meeting. I did not feel that the Citizens Oversight Committee meeting was the correct venue.... After nearly two years of sitting through El Sobrante's CoC meetings, I still do understand what the CoC committee can actually do. I have read the comments made by County Counsel and by Riverside County Waste Resources at the ARC meetings on topics brought up by the CoC and it seems that they are consistently and routinely brushed off by the county as not understanding the specialized nature of their jobs and what goes into them.

When the Dawson Canyon residents and other surrounding Temescal Valley communities were first told of El Sobrante's development in the 1980's, the county told those residents that Riverside County and it's numerous agencies would be in charge of providing oversight and enforcement. Those residents were there BEFORE the landfill was originally built and expanded out through further changes. Think of those residents who've been there from the beginning when you review these changes.

Pond 4 remains the brightest, shiniest example of why this "enforcement" relationship does not work in a partnership. Pond 4 was constructed outside of the landfill's original footprint in 2011. The amendments being brought today (2018) goes back to rectify the pond's placement and permanently closes the door to enforcement actions by waving a wand and re-writing their own documents to cover up their own lack of oversight. "Go ahead and build that thingy" should never have been an acceptable statement for someone employed by the County, being paid with taxpayer dollars to protect those citizens and yet here we are. Claiming that the Army Core of Engineers approved the project is partially false – they approved the construction of the pond, not the location. There are lot of half-scattered truths being floated by the county agencies overseeing this project that are contradicted and proved inadequate in other documents. Throwing some vegetation up and calling it a "very fine pond" is a slap in the face of the residents who have been impacted by these missteps.

County Counsel admits that the original EIR was woefully insufficient and that we are long past the time period to make any changes to the EIR and yet between the JTD and the other various reports (CEQA, EIR, etc) the county is able to right any additional wrongs without admitting fault. This sets an incredibly dangerous precedent moving forward for not just the landfill but other county projects where they enter a partnership, provide the LEA, and are supposed to be the enforcement agency as well.



The seven page "Attachment E" provided by County Counsel to response to the ARC and COC once again points out the issues presented by this relationship. County Counsel sites the findings of Riverwatch v. County of San Diego (1999) in stating that "even when a prior owner or operator of the land has committed an illegal alteration of the project site, the baseline condition will continue to include that illegal operation, and will not return to a hypothetical baseline prior to that activity." What County Counsel did not include in that decision as well was the court's stance that acknowledges the practical problems in mixing review with enforcement: *"A particular problem we foresee in requiring an earlier baseline is that definitive evidence of prior illegality will most likely come in the form of the acts of enforcing agencies and that use of an early baseline by a separate agency preparing an EIR may either interfere, conflict or unfairly amplify such enforcement action. In the absence of more detailed guidance either from the Legislature or the Resources Secretary, we believe a more prudent method of dealing with alleged prior illegality is to rely in the first instance on direct enforcement by the agencies charged with the responsibility of doing so, and second, to rely on such enforcing agencies to comment in the EIR process on the impact any new project may have on their enforcement activities."*

I believe it is time that the Board of Supervisors look at this relationship and see if it is functioning as it was originally intended to do so. If not, perhaps it's time to shake things up or make the proper adjustments to insure that tax dollars, time, and effort are being spent appropriately as possible for the protection of the county and its residents as well as the businesses involved.

Thank you,  
Kelli Noss  
Temescal Valley Resident

**From:** Tracy Davis  
**To:** Ross, Ryan  
**Subject:** BOS Item 12. C. 1 adoption of the Addendum to El Sobronte Landfill EIR  
**Date:** Sunday, July 15, 2018 8:39:36 PM

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Dear Supervisor Jeffries and Board of Supervisors,

I think this addendum is long time coming. Unfortunately, we have a situation of the projects have been completed before approval or completed in different locations from prior approvals. While attending multiple Citizens Oversight Committee meetings, the process of adding to the CEQA and JTD documents are complicated and confusing. Which document supersedes the other? The explanations from County staff point to the CEQA as the first document but use the JTD as the basis of the facts to support. Chicken and the Egg syndrome.

Management of El Sobronte Landfill is the responsibility of WMI/USA Waste. They are providing the reports and documents to the county, as far as I can tell on time and factual. The County has been lacking, in the past, to get to this point. I would hope the ARC and LEA staff will keep a better eye on the landfill operations in the future. How could any projects, such as Pond 4, get built in different locations than approved? Staff has been too lenient with little follow up. Will there be any consequences to the county, no, not likely. I am disappointed the COC has to point out this many problems of the process. A slip here, catch up on the annual review, I understand is the job of the COC. Folding all the problems of the past into an addendum doesn't give me trust in the process. How are you going to keep huge problems from happening in the future? I hope this is the end of the ineffective oversight, but I can't trust it will be.

Thank you,  
Tracy Davis  
8826 Flintridge Lane  
Temescal Valley, CA 92883

Riverside County Amending CEQA

July 16, 2017

Offices of Miller, Catlin, Miller

GPA No. 960, EIR No. 521, and the CAP on August 19, 2015

Item Public Hearing 18.1

Amending County Riverside General Plan

The County rhetorically recognizes that Climate Change will have adverse effects on Riverside County's Environment including increased damage by micro bursts and drought which will impact the 4.3 Billion dollars a year agricultural businesses including grapes, avocados and citrus. Even though Riverside County may have statements that conclude Green House Gas Emissions will be over capacity for emissions coming from any new projects and one project at a time will most often be found that constructing buildings and paving for parking lots cannot be mitigated. In 2003 the General Plan was introduced with amendment No. 960 with the EIR OF 521. Carbon dioxide, methane, nitrous oxide, Sulphur hexafluoride, perfluorocarbons, hydrofluorocarbons and nitrogen trifluoride are part of the deterioration of Air Quality and cannot be mitigated with the purchase of land by developers to offset their projects sending up more GHG violating the CEQA Rules.

July 16, 2018 Riverside County Board of Supervisors wished to add requirements Improving Air Quality Measures for new development. We cannot improve Air Quality or prevent GHGases and heat arising from new development. County can add measures for current established development. COUNTY CAN ONLY STOP NEW DEVELOPMENT AND REJECT PROJECTS THAT ARE ON TIME EXTENSIONS AND WORK TO REQUIRE CARPOOLING, SUBSIDIZE NO EMISSION CARS, AND ADD ACCURATE BUS SYSTEMS AND MORE LIGHT AND MEDIUM RAIL. Adding bike parking, electric car charging stations, requiring on-site renewable energy like solar or wind or air compressed units that supply power should be placed on all developer's former projects and developers shouldn't be allowed to organize new projects. Contractors can receive the job sites for such lucrative requirements from the USA stopping more bomb building and weapons sales and stop the geoengineering Weather Modification Program. Stop foreign occupations, close the 800 bases around the World and come home and work on this Continent.

The attempt by developers, planners, Commissioners, investors to amend the Climate Action Plan (CAP) written by the County to proceed with the multiple projects that are filling up most of the open space throughout Riverside County to only add a few token band aids is irreprehensible. The reason to remove the Greenhouse laws is to continue allowing multiple projects that have already been passed and are in their 2<sup>nd</sup> and 3<sup>rd</sup> extension to continue to be permitted, and to grant future plans. These actions will cause major traffic which will create GHG molecules entering the upper atmosphere and reflecting back onto the Earth over heating and replacing moisture content exacerbating the drought. 300 million people depend on snow in the High Sierras for their water. Almost every City in California General Plan supports more urban Sprawl and more droughts.

If a planner can come up with an aerially suspended housing project that can be used for shade and can relocate without fossil fuels or poisonous emissions and people transport themselves with flying cars and establish machines that make water and emit clean air and dissolve waste and recycle all by products, then, it could fly out of California if there aren't enough jobs or space for more people.

Several Environmental Organizations are working to stop the watering down of the Climate Change and any project brought forward will go on record as having violated the General Plan AMENDMENT AND DEVELOPERS WILL BE STANDING IN LINE FOR Heavy Fines and hopefully not allowed in the County of Riverside if their project involves more building or paving.

Riverside County is governed by Mojave Air Quality Basin and South Coast Air Quality Management. Knowing that air is trapped in bowls and valleys between mountains is enough to support no more building because the air inverts and has settled in a grey haze around the entire Southern California region. We look out and go: Do we have breathe this? Our Children's lungs shouldn't be a disposal site for pollution.

Cities already disregard the impacts of more development on 500 year Flooding Predictions, Flood Control, the CETAP (Community and Environment Transportation Accessibility or Acceptability Process, CEMA, State Water Control Board, and the Import Law Formula of Water. They ignore proper drainage outside their personal projects and what will happen to cities down stream. Mary Edwards tried to obtain Federal Flood Monies to cover for the over development of Temecula. Jeff Stone Temecula helped Wolf Creek developers get out of paying for proper drainage on Pechanga Parkway and current residents had to pay the bill. Is this one reason that H.A.A.R.A.P. and chem trails are applied to geoengineering the weather in California so the rain won't come and developers can build wherever without rain interfering. Well. We stand in complete opposition of stopping rain. We live because of Nature not Nature revolves around selfish, self-centered socialites.

It would take me a very long time to go over the Ordinance 348, however, I can see one point that anything to do with Wireless Communication facilities including Microwave towers must be with public hearing, public notice, and, furthermore, if there is no more development, then, there doesn't need to be any more cell towers. And there does need to be more Environmental review of any County Action.

We don't need any more event generating buildings or sports fields. We can't use land that keeps the Climate moist and the heat down for entertainment and sports. If you don't build more living areas, then, we don't need more sports fields and stadiums. We don't need these College campuses expanding. If they find existing buildings, then, let them rent those.

Building more of anything in Temecula jeopardizes the Grapes. Stop permitting any building in Wine Country and uphold the Climate Action Plan 960.

Then, there is the 1-10 Corridor of the worse air in the Nation being further impacted by more Distribution Centers plus the City of Riverside and Moreno Valley building more housing and Distribution Centers.

The County realizes that its practice of approving Multiple projects that are urban sprawl defined will cause far reaching Weather Change and Climate Disaster for states East of California. These housing,

Commercial, Industrial and Heavy Mineral Extraction wounds on Planet Earth cause heating of point source which returns to the upper atmosphere and reflects back on us all. This heat decreases the surrounding moisture which will also deflect any rain that might have occurred. The equipment used to build or mine must be transported draining the World's Oil Table and projects must be watered down causing drain of the Water table. The final product requires intense water use and attracts cars and trucks plus the buildings themselves are thermal energy emitters.

The cars and trucks that are associated with building projects also bring pollution to the Nations' worse air on the North American continent which emits from the Mira Loma and San Bernardino Border areas and this cloud of pollution becomes more expansive as each day passes. That is enough to deal with without adding more cars.

Authoring changes to the Climate Action Plan that will decrease the laws that will prevent more building will marginalize the habitat for 350 Endangered Plant and Animal species. It isn't about People and their trite agendas: It is about whether they have an Inhabitable Planet on which to have an agenda with basic needs met under current overly built out conditions. It is not about more housing, more water draining entertainment venues, more mammoth distribution centers.

The amount of GHGases estimated in 2008 was 7,012,938 MT Mega Tons of Carbon Dioxide CO<sub>2</sub>e(equivalent), With projected completion of developments that will rise to 12,129,497 MTs. The somewhat sustainable goal is 6 million MT CO<sub>2</sub>e in two years. Carbon dioxide, methane, nitrous oxide, Sulphur hexafluoride, perfluorocarbons, hydrofluorocarbons and nitrogen trifluoride are the tracked ghg gases. Who is to say that these molecules do not make compounds and therefore other unknown harsh compounds? Who is to say that dividing projects into smaller sizes isn't the way for developers to get around the requirement not to have projects that will produce over 3000 Mega Tones MT of CO<sub>2</sub>. They do this all the time. Summerly Development, Elsinore has developers building 65 to 100 homes adding up to over a thousand houses in one area on the Lake Bed and, therefore, the whole project isn't taken into consideration as to well over 3000 Mega Tones of CO<sub>2</sub> AND Methane. So, this will make the County look like they are accomplishing something and pacify the Environmentalists while outside the High Winds are more frequent, the microbursts more destructive the below poor air quality days more damaging to the Asthmatics, Emphysemics, babies, elderly.

Riverside County has disastrously increased emissions of Greenhouse Gas Gases and is continuing a policy of Build or Safety. Because if we don't Build, we have the same amount of safety we had before. Not so accurate, however, not as unsafe as it will be because the County cannot supply enough 1<sup>st</sup> responders as it is. With more people it will be much worse. This Settlement with the Environmental Organizations will not reinforce an effective GHG Emission Reduction Strategy and ensure that Riverside County Activities will not rise above the daily accumulation that is collecting in the upper atmosphere enlarging the ozone hole and melting the Antarctic.

There is no Traffic Congestion Reduction unless there is a Light Rail System and Fast Speed train that isn't letting money and land slide under the table for that official and this official. Why did the train start its construction in an area of low ridership: Central Valley?

In conclusion, I wish for you to stand firm against more building in Riverside County. The Construction workers will find their way. They made it thru the last recession and they will again. The land, the children, and Balance of Nature will not make it thru more construction Projects and their negative impact on Planet Earth.

This is all for now, maybe, I will make this my Summer break Project on top of many other anti development projects.

1. 7443 : TRANSPORTATION AND LAND MANAGEMENT AGENCY/ PLANNING: PUBLIC HEARING ON GENERAL PLAN AMENDMENT NO. 180004, ORDINANCE NO. 348.4885, AMENDMENT TO ENVIRONMENTAL IMPACT REPORT NO. 521 MITIGATION MONITORING AND REPORTING PROGRAM, AMENDMENT TO CLIMATE ACTION PLAN, and RESOLUTION NO. 2018-135 – AMENDING THE RIVERSIDE COUNTY GENERAL PLAN - SECOND CYCLE OF GENERAL PLAN AMENDMENTS FOR 2018. CEQA EXEMPT. REQUEST: Pursuant to the Partial Settlement Agreement (Settlement) dated September 18, 2017 executed by the County and other parties for Sierra Club et al. v. County of Riverside et al. (Riverside County Superior Court Case No. RIC 1600159), the project includes amendments to the General Plan Air Quality Element (General Amendment No. 180004), an amendment to the Environmental Impact Report No. 521 Mitigation Monitoring and Reporting Program (EIR No. 521 MMRP), an amendment to the County's Climate Action Plan (CAP), and an amendment to Ordinance No. 348 (Ordinance No. 348.4885). The project modifies these documents to eliminate references to utilizing Business As Usual (BAU) scenario for analyzing a development project's greenhouse gas (GHG) emissions, minor text changes for clarity and consistency, adds the requirement for projects that emits above 3,000 MT CO<sub>2</sub>e to quantify its GHG emissions, adds the requirement to update the Climate Action Plan (CAP) by 2020 and every four years thereafter, adds the requirement to incorporate CAP Implementation Measures in a project's MMRP or as Conditions of Approval, includes provisions for onsite renewable energy for specific development projects, updates the CAP Screening tables, and adds provisions for electric vehicle (EV) parking with charging stations and bike parking for certain types of developments projects, including mixed use and multiple family dwelling developments.

Maxwell, Sue

**From:** Maxwell, Sue  
**Sent:** Monday, July 16, 2018 4:55 PM  
**To:** COB-Agenda (COB-Agenda@rivco.org); George Johnson (GAJohnson@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Young, Alisa; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)  
**Subject:** July 17 2018 Item 18.1 (7443) - Public Comment on Air Quality (Albia Miller)  
**Attachments:** Riverside County Amending CEQA.DOC

**Importance:** High

| Tracking: | Recipient   | Read                    |
|-----------|---|-------------------------|
|           | COB-Agenda (COB-Agenda@rivco.org)                           |                         |
|           | George Johnson (GAJohnson@RIVCO.ORG)                        |                         |
|           | Leach, Charissa (cleach@RIVCO.ORG)                          | Read: 7/16/2018 5:28 PM |
|           | Perez, Juan (JCPEREZ@RIVCO.ORG)                             | Read: 7/16/2018 5:00 PM |
|           | Young, Alisa  |                         |
|           | District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG) | Read: 7/16/2018 5:59 PM |
|           | District2   |                         |
|           | District3   |                         |
|           | District5   |                         |
|           | Supervisor Jeffries - 1st District (district1@rivco.org)    |                         |

Good afternoon,

Please see Ms. Miller's attached letter opposing the July 17, 2018 Item 18.1 (7443), related to General Plan Amendment No. 180004 and an Amendment to the General Plan Air Quality Element.

Thank you kindly,

*Sue Maxwell*

Board Assistant  
Clerk of the Board of Supervisors  
4080 Lemon Street, 1<sup>st</sup> Floor, Room 127  
Riverside, CA 92501  
(951) 955-1069 Fax (951) 955-1071  
Mail Stop #1010  
[smaxwell@rivco.org](mailto:smaxwell@rivco.org)  
<http://rivcocob.org/>  
<https://www.facebook.com/RivCoCOB/>



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**From:** Maxwell, Sue  
**Sent:** Monday, July 16, 2018 4:49 PM  
**To:** 'albia miller' <stopbuildinganything@gmail.com>  
**Subject:** July 17 2018 Item 18.1 (7443) - Public Comment on Air Quality

Good afternoon Ms. Miller,

The Clerk of the Board of Supervisors received your letter sent via email opposing County Ordinance 348.4885 and Resolution No 2018-135, and has included it in the record for (July 17, 2018).

Sincerely,

*Sue Maxwell*

Board Assistant

Clerk of the Board of Supervisors

4080 Lemon Street, 1<sup>st</sup> Floor, Room 127

Riverside, CA 92501

(951) 955-1069 Fax (951) 955-1071

Mail Stop #1010

[smaxwell@rivco.org](mailto:smaxwell@rivco.org)

<http://rivcocob.org/>

<https://www.facebook.com/RivCoCOB/>



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**From:** albia miller [<mailto:stopbuildinganything@gmail.com>]

**Sent:** Monday, July 16, 2018 3:05 PM

**To:** COB <[COB@RIVCO.ORG](mailto:COB@RIVCO.ORG)>

**Subject:**

Dear Clear of the Board

It would take months to go over the addition of band aid amendments fo the General Plans Climate Change when everyday Global Warming rises from traffic and Trump downsizes the fuel efficiency standards and calls for off shore drilling.

So I tried.





July 17, 2018

**TO:** Honorable Board of Supervisors

**FROM:** Hans Kernkamp, General Manager- Chief Engineer  
Department of Waste Resources

A handwritten signature in black ink, appearing to read "Hans Kernkamp".

**RE: Agenda Item 12.1C (MT 6271) Additional Public Comment Letters  
First Amended and Restated Second El Sobrante Landfill Agreement**

The Department of Waste Resources received three (3) new public comment letters regarding the Addendum to the El Sobrante Landfill Expansion Environmental Impact Report (EIR). Staff and County Counsel have reviewed the letters (attached) and while many of the comments are similar to those already addressed in Attachment E of MT 6271, *ARC & COC Comments with County* (attached), Staff and County Counsel offer the following additional responses:

- The Citizens Oversight Committee (COC) reviews annual reports, administers the Local Mitigation Trust Account, and comments on the Landfill project, as needed.
- As detailed in Attachment E, the use of an EIR Addendum and inclusion of existing conditions are appropriate under CEQA, as well as supported by case law. The CEQA evaluation and resulting Addendum focused on the core duty of CEQA – namely the evaluation of potential physical environmental impacts of the proposed project. One comment raises issues as to the applicability of the *Riverwatch v. County of San Diego* case since the case in question related to preexisting unpermitted activities, where the court reasoned that CEQA was not the proper forum to resolve claims of improper conduct. This is a valid point raised by the commenter; the case was merely provided to show that the normal environmental baseline that is utilized for CEQA purposes is the existing environmental conditions as opposed to a hypothetical baseline, which has been made abundantly clear by the courts. See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270; *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; *Creed-21 v. City of San Diego* (2015) 234 Cal.App.4th 488. Lastly, note that the provided case from the comment letter (*League to Save Lake Tahoe v. Tahoe Regional Planning Agency* (2010) 739 F.Supp.2d. 1260), is a NEPA case and not a CEQA case.
- Since 2014 (upon receipt of the Five-Year permit review findings from the LEA), USA Waste/WMI has been developing engineering and environmental documentation to support the Project. The EIR Addendum was thoroughly reviewed by Staff, Counsel, Local Tribes, and presented at multiple public meetings.
- Ponds 3 and 4 are existing facilities, in operation since 2004 and 2011, respectively. There has not been a vector issue at the pond sites, and USA Waste/WMI has approved measures in place to address vectors, if needed.
- USA Waste/WMI received approval prior to construction of Pond 4 from the Local Enforcement Agency (LEA) and the Santa Ana Regional Water Quality Control Board (RWQCB-SAR), and several resources agencies conducted after-the-fact permitting efforts (see Attachment E for details).

7/17/18  
12.1

- At the request of residents immediately adjacent to Pond 4, in addition to the aesthetic improvements highlighted in Attachment E, USA Waste/WMI has agreed to further beautify the Pond 4 area by adding a picnic table, Dawson Canyon signage, paint the pond's spillway, and replace the existing chain link gate with a ranch style vinyl gate.
- The original location for Pond 4 is within the same general location as the existing location (see visual simulations in Attachment E) and WMI/USA Waste has extensively landscaped the slope facing the residential areas, to include plantings, hydro-seeding, irrigation, and other aesthetic improvements for further shielding such as planting native trees and shrubs along the toe of the slope, as well as along portions of Dawson Canyon Road that front the pond.
- As discussed, since 2012, USA Waste/WMI has planted trees and shrubs at the request of neighboring residents. While some sycamores have died, a significant amount of replacement native bushes/vegetation were planted. As the vegetation planted between the creek and the road continues to mature it will continue to shield the view of the Pond 4 property.

Enclosures

**Ruth Brissenden, J.D.**  
PO Box 78824, Corona CA 92877  
Tel: (949) 212-6292 Fax: (949)743-0020  
ruthbrissenden@gmail.com

July 15, 2018

Board of Supervisors  
Riverside County  
County Administrative Center  
4080 Lemon Street Riverside, CA 92501

Dear Supervisors:

Please find below my comments pertaining to the El Sobrante Landfill Addendum to EIR.

I am a recent appointee to the El Sobrante Landfill Citizens Oversight Committee (COC). As a new member, I have done my best to get up to speed regarding the current status and issue relating to the landfill. As I see it, there is great concern over the status and circumstances surrounding storm water retention pond number 4 ("Pond 4").

Pond 4 was constructed in 2011 on property acquired by USA Waste of California Inc. in 2010. The newly acquired parcel was located completely outside the then-existing landfill footprint. According to the 2018 Addendum, (Page 6) the pond received approval for construction in its current location from both the Regional Water Quality Control Board (RWQCB) and the Riverside County Dept. of Environmental Health (the LEA). The pond, however, was constructed without review under CEQA and as required for all projects by the Riverside County Department of Waste Resources.

Clearly, a supplemental EIR or other environmental assessment should have been prepared prior to construction of Pond 4. Fast forward seven years, the landfill seeks to make changes by way of an Addendum to its existing EIR. The Addendum addresses environmental impacts of future relocation of other ponds within the landfill, however, it skims over the problem of past CEQA violation in the construction of Pond 4 attempting to absorb it into the underlying EIR. The failure to address the pond in the Addendum is based upon its status as an existing condition under CEQA Guidelines Section 15125 and therefore subject to inclusion in its present state under the environmental baseline depicted by the Addendum. Although case law supports this position,<sup>1</sup> it should be noted that the court's decision in *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th1428, was based, at least in part, on the fact that the preexisting unpermitted activities in question were the subject of current enforcement actions by the Army Corps of Engineers at the time. Other courts have also acknowledged that while past conditions may be irrelevant to CEQA baseline determinations, this does not mean that the past violations should be ignored; "How present conditions come to exist may interest enforcement agencies...;" *Citizens for East Shore Parks v. California State Lands Commission* (2011) 202 Cal.App.4th 549; "...sub silentio approval of existing unauthorized activity is in an important sense an agency action." *League to Save Lake Tahoe v. Tahoe Regional Planning Agency* (2010) 739 F.Supp.2d. 1260. *Tahoe* also went on to say that a baseline may reflect damage that has already occurred as a result of illegal activity as well as the agency's present ability and responsibility to limit perpetuation of that harm through enforcement.

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<sup>1</sup> See Attachment E, ARC and COC Comments with County Responses at Page 2

I note from review of prior documents submitted by the COC, that the COC has been trying to get the Pond 4 issues addressed since at least 2014 to no avail. Meanwhile, the landowners adjacent to Pond 4, whose rights have been affected and whose views have been severely altered without due process, still suffer the visual impacts today as they did in 2011 when the Pond was first constructed. Moreover, in addition to the aesthetic impacts, the pond may pose a problem from vectors. The Addendum (Page 76) regarding relocation of other ponds in the landfill states that "the relocation/reconfiguration of storm water retention ponds would not be moved closer to the nearest residential areas where public health hazard concerns, such as from vectors, would be created." Pond 4 is already near a residential area and yet no review of such impact was afforded the residents near Pond 4 at the time it was constructed and no after-the-fact enforcement by any agency having authority over the landfill has ensued.

While Attachment E (ARC and COC comments and responses) submitted with the Addendum maintains that suitable habitat improvement projects have been implemented to address the aesthetics surrounding Pond 4, I am not convinced that the efforts of Waste Management in this regard adequately address the impacts from construction of Pond 4 at its current location. For example Attachment E seems to indicate that 15 Western Sycamores were planted in 2012, but only 2 survive to this day? It is unclear whether the 2 surviving Sycamores are part of the originals planted in 2012 or not. An organized effort involving the residents of Dawson Canyon seems to be lacking.

In conclusion, it is apparent that the impacts associated with the relocation of Pond 4 in 2011 are an ongoing dilemma that is sorely in need of resolution. I urge you to address this issue head on and task the appropriate agency(ies) with providing long awaited redress to the affected residents of Dawson Canyon.

Sincerely,

Ruth Brissenden  
El Sobrante Landfill COC

**From:** Kelli Noss  
**To:** Ross, Ryan  
**Subject:** Comments for the 7/17 Board of Supervisors Meeting  
**Date:** Sunday, July 15, 2018 2:25:00 PM

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To Whom It May Concern:

I wanted to take the opportunity to write in my comments before the Board of Supervisors meeting. I did not feel that the Citizens Oversight Committee meeting was the correct venue.... After nearly two years of sitting through El Sobrante's CoC meetings, I still do understand what the CoC committee can actually do. I have read the comments made by County Counsel and by Riverside County Waste Resources at the ARC meetings on topics brought up by the CoC and it seems that they are consistently and routinely brushed off by the county as not understanding the specialized nature of their jobs and what goes into them.

When the Dawson Canyon residents and other surrounding Temescal Valley communities were first told of El Sobrante's development in the 1980's, the county told those residents that Riverside County and its numerous agencies would be in charge of providing oversight and enforcement. Those residents were there BEFORE the landfill was originally built and expanded out through further changes. Think of those residents who've been there from the beginning when you review these changes.

Pond 4 remains the brightest, shiniest example of why this "enforcement" relationship does not work in a partnership. Pond 4 was constructed outside of the landfill's original footprint in 2011. The amendments being brought today (2018) goes back to rectify the pond's placement and permanently closes the door to enforcement actions by waving a wand and re-writing their own documents to cover up their own lack of oversight. "Go ahead and build that thingy" should never have been an acceptable statement for someone employed by the County, being paid with taxpayer dollars to protect those citizens and yet here we are. Claiming that the Army Core of Engineers approved the project is partially false – they approved the construction of the pond, not the location. There are lot of half-scattered truths being floated by the county agencies overseeing this project that are contradicted and proved inadequate in other documents. Throwing some vegetation up and calling it a "very fine pond" is a slap in the face of the residents who have been impacted by these missteps.

County Counsel admits that the original EIR was woefully insufficient and that we are long past the time period to make any changes to the EIR and yet between the JTD and the other various reports (CEQA, EIR, etc) the county is able to right any additional wrongs without admitting fault. This sets an incredibly dangerous precedent moving forward for not just the landfill but other county projects where they enter a partnership, provide the LEA, and are supposed to be the enforcement agency as well.

The seven page "Attachment E" provided by County Counsel to response to the ARC and COC once again points out the issues presented by this relationship. County Counsel sites the findings of Riverwatch v. County of San Diego (1999) in stating that "even when a prior owner or operator of the land has committed an illegal alteration of the project site, the baseline condition will continue to include that illegal operation, and will not return to a hypothetical baseline prior to that activity." What County Counsel did not include in that decision as well was the court's stance that acknowledges the practical problems in mixing review with enforcement: *"A particular problem we foresee in requiring an earlier baseline is that definitive evidence of prior illegality will most likely come in the form of the acts of enforcing agencies and that use of an early baseline by a separate agency preparing an EIR may either interfere, conflict or unfairly amplify such enforcement action. In the absence of more detailed guidance either from the Legislature or the Resources Secretary, we believe a more prudent method of dealing with alleged prior illegality is to rely in the first instance on direct enforcement by the agencies charged with the responsibility of doing so, and second, to rely on such enforcing agencies to comment in the EIR process on the impact any new project may have on their enforcement activities."*

I believe it is time that the Board of Supervisors look at this relationship and see if it is functioning as it was originally intended to do so. If not, perhaps it's time to shake things up or make the proper adjustments to insure that tax dollars, time, and effort are being spent appropriately as possible for the protection of the county and its residents as well as the businesses involved.

Thank you,  
Kelli Noss  
Temescal Valley Resident

**From:** Tracy Davis  
**To:** [Ross, Ryan](#)  
**Subject:** BOS Item 12. C. 1 adoption of the Addendum to El Sobronte Landfill EIR  
**Date:** Sunday, July 15, 2018 8:39:36 PM

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Dear Supervisor Jeffries and Board of Supervisors,

I think this addendum is long time coming. Unfortunately, we have a situation of the projects have been completed before approval or completed in different locations from prior approvals. While attending multiple Citizens Oversight Committee meetings, the process of adding to the CEQA and JTD documents are complicated and confusing. Which document supersedes the other? The explanations from County staff point to the CEQA as the first document but use the JTD as the basis of the facts to support. Chicken and the Egg syndrome.

Management of El Sobronte Landfill is the responsibility of WMI/USA Waste. They are providing the reports and documents to the county, as far as I can tell on time and factual. The County has been lacking, in the past, to get to this point. I would hope the ARC and LEA staff will keep a better eye on the landfill operations in the future. How could any projects, such as Pond 4, get built in different locations than approved? Staff has been too lenient with little follow up. Will there be any consequences to the county, no, not likely. I am disappointed the COC has to point out this many problems of the process. A slip here, catch up on the annual review, I understand is the job of the COC. Folding all the problems of the past into an addendum doesn't give me trust in the process. How are you going to keep huge problems from happening in the future? I hope this is the end of the ineffective oversight, but I can't trust it will be.

Thank you,  
Tracy Davis  
8826 Flintridge Lane  
Temescal Valley, CA 92883

**Attachment E**  
**Administrative Review Committee (ARC) and Citizens Oversight Committee (COC)**  
**Comments with County Responses**

**COC- comments provided during September 28, 2017 COC meeting.**

- 1) [COC] The Addendum as prepared adequately evaluates the existing condition to the proposed Project; however, the use of the existing condition/baseline does not adequately acknowledge past and current view-shed issues within Dawson Canyon when compared to the aesthetic analysis contained in the Expansion EIR.

[COUNTY] The visual analysis prepared in 1994 for the Expansion EIR only included one viewpoint within the Dawson Canyon area. The viewpoint was from the closest residence and the EIR stated that because the residences in the canyon are at a substantial lower elevation than the landfill, views of the expansion area would be obstructed, and the landfill would be partially visible towards the end of the Expansion Project. Even though visual impacts were found to be less than significant, mitigation measures addressing light shielding, vegetation, limits on disturbance acreages, paint color restrictions, and other measures to reduce aesthetic impacts were included in the Expansion EIR.

While the El Sobrante Landfill continues to be developed in overall accordance with the Expansion Project first approved by the Board of Supervisors in 1998 and with its Solid Waste Facility Permit (SWFP) and corresponding Joint Technical Document (JTD), last revised in 2009, in hindsight, residents of the Dawson Canyon would have been better served at that time had the visual analysis included multiple viewpoints showing not only the landfill disposal/expansion areas, but also the ancillary facilities including ponds and berms/buttresses. Today, the Phase 10 and 11 stability berms, in addition to Pond 4, are visible to Dawson Canyon residents. While it appears that the 1994 visual analysis could have been improved, the statute of limitations to challenge the analysis has long since passed; regardless, USA Waste/WMI complies with, and often exceeds (see details in comment no. 2) the mitigation measures addressed above, which are actively enforced by the County, with oversight from the COC and ARC, to further reduce visual impacts to the greatest extent feasible, while continuing to allow the necessary ongoing operations of the landfill.

To address the proposed Project, a view shed analysis was prepared analyzing the proposed maintenance building and reconfigured Pond 5, with no new significant adverse impacts to aesthetics identified. The proposed Project also reduces and reconfigures the limits of grading from 645 acres to 618 acres, which includes incorporating Ponds 3 and 4 into the permitted limits of disturbance. Although the current locations of Ponds 3 and 4 were not specifically analyzed as part of previous CEQA documents, they are existing facilities (existing conditions) identified in the landfill's approved SWFP and JTD, and have been in operation for a number of years (constructed in 2004 and 2011, respectively).

**Appropriate Baseline**

Pursuant to the California Environmental Quality Act (CEQA), an EIR must describe existing environmental conditions in the vicinity of the proposed project, referred to as the



“environmental setting” This description of existing environmental conditions ordinarily serves as the “baseline” for measuring the changes to the environment that will result from the project and for determining whether those environmental effects are significant or not. See State CEQA Guidelines, sections 15125 and 15126.2. While courts allow lead agencies considerable latitude to support the lead agency’s determination of the appropriate baseline, that only occurs when the key goals of CEQA are fulfilled – namely evaluating the physical environmental impacts of a proposed project that are likely to occur. For example, in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 453 the court held that an agency was not precluded from “employing, under appropriate factual circumstances, a baseline of conditions expected to obtain at the time the proposed project would go into operation.” However, the court determined this would only be appropriate provided that the “factual circumstances can justify an agency departing from that norm [of existing conditions as the normal baseline] when necessary to prevent misinforming or misleading the public and decision makers.” *Ibid.*

Ongoing activities at a project site are also typically treated as a component of the existing baseline, even in cases where that prior ongoing activity did not undergo CEQA review. See *East Shore Parks v. California State Lands Commission* (2011) 202 Cal.App.4th 549, 558 [court held that ongoing marine terminal operations – even though such operations were never evaluated under CEQA – were appropriately deemed part of the environmental baseline].

Lastly, even when a prior owner or operator of land has committed an illegal alteration of a project site, the baseline conditions will continue to include that illegal alteration, and will not return to a hypothetical baseline prior to that activity. *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1451. Future cases, citing *Riverwatch*, have reached similar conclusions. See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1233 [court found the proper baseline for assessing impacts to habitat was the existing condition of the site, despite the fact that illegal mowing had occurred]; *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357.

Therefore, as clearly illustrated by the State CEQA Guidelines and applicable case law, while the courts will give deference to the lead agency to determine what is the appropriate baseline, the lead agency is also bound by substantial evidence tied to that determination in order to appropriately evaluate a project’s significant physical environmental impacts. Therefore, evaluating the aesthetic viewshed of Pond 4 - as if Pond 4 does not exist - would be likely indefensible under CEQA. Regarding other viewshed issues related to the existing operations, the lead agency can only evaluate the proposed project under CEQA based upon the project as presented by the applicant. Therefore, it would be inappropriate under CEQA to discuss visual impacts tied to ongoing operations of the landfill, which are separate from the proposed project. However, even if the existing operations were further evaluated under CEQA, such a review would also likely be considered existing baseline conditions.

#### **Subsequent CEQA Documentation**

Once a prior EIR has been completed, any future discretionary actions for changes to the project will need to be evaluated pursuant to CEQA. As stated, when an EIR has been certified for a

project, no subsequent EIR *shall* be prepared for that project unless the lead agency makes the determination, based on the entire record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (i) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (ii) Significant effects previously examined will be substantially more severe than what was shown in the previous EIR;
- (iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
- (iv) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.

(See State CEQA Guidelines, section 15162.)

The key to the above triggers under Section 15162 as it relates to a new subsequent EIR is that the submitted project *must* result in new or more severe physical environmental impacts. And as discussed prior, the project and its potential for such impacts, would be measured against the existing environmental baseline. This project was evaluated under those legal standards in a new environmental assessment, which showed the applicant's proposed project did not result in any new significant impacts pursuant to CEQA. Therefore, as clearly stated under State CEQA Guidelines, section 15164, subd. (a), "The lead agency...shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Here, the lead agency was limited to an evaluation of the potential physical environmental impacts that may occur due to the proposed project only, and compared those potential impacts against the existing environmental baseline, and concluded that an Addendum was the appropriate document pursuant to CEQA.

In conclusion, the use of an EIR Addendum and inclusion of existing conditions are appropriate under CEQA, as well as supported by case law.

- 2) [COC] The Addendum falls short of evaluating aesthetic impacts to Dawson Canyon. Is the use of an Addendum appropriate? Should/could a supplemental/subsequent EIR be prepared to address aesthetic impacts to Dawson Canyon residents resulting from the administrative processes used between the Addendum and Expansion EIR, which did not adequately address what would have been a concern from the community?

[COUNTY] Please see response to comment no. 1 above for detailed discussion related to the use of an Addendum as compared to a Supplemental/Subsequent EIR. The lead agency is bound to review the impacts that may be caused by the proposed project only. Valid arguments exist that the creation of Pond 4 should have been routed through the ARC; unfortunately, this did not occur and the lead agency is now bound to evaluate impacts based on the existing baseline. Notwithstanding the lack of ARC notification for the new location of Pond 4, the existing pond did receive approval prior to construction from the Local Enforcement Agency (LEA) and the Santa Ana Regional Water Quality Control Board (RWQCB-SAR). As shown in the visual simulations, which depict the original planned location compared to the existing location (see attached), there is minimal difference in the aesthetics of the area. Pond 4 would have been built within the same general location and WMI/USA Waste has extensively landscaped the slope facing the residential areas, to include plantings, hydro-seeding, irrigation, and other aesthetic improvements for further shielding such as planting native trees and shrubs along the toe of the slope, as well as along portions of Dawson Canyon Road that front the pond (see attached photos).

Maintenance of Pond 4 only occurs a couple times a year and because Pond 4 was shifted closer to the street, WMI/USA Waste has provided more screening and landscaping than would have otherwise been provided for the pond in its original planned location. Additionally, shifting the pond location preserved sensitive canyon and rock outcrop habitat, reduced land and community disturbance by avoiding the need to perform blasting of canyon and rock outcrops, and, due to the previously disturbed nature of the relocated Pond 4 site, provided sufficient storm-water retention needs without disrupting the natural setting of the previous design location.

The County and WMI/USA Waste are very responsive to community concerns, as evidenced by the extensive vegetative shielding and landscaping for the pond, in addition to the reconfiguration of waste sequencing to reduce the amount of waste processing visible throughout the entire Temescal Valley. As landfill development is an on-going and long-term operation, the County and WMI/USA Waste has and will continue to work cooperatively with the community to address aesthetic issues involving the landfill.

- 3) [COC] Can the County/WMI legally defend the processes used to get to the existing condition?

[COUNTY] Yes, while the County contends that the plans for Pond 4 should have been submitted to the ARC for review and comments, which may have resulted in additional environmental analysis to address potential impacts to biological resources and aesthetics, the ultimate process used to get to the existing conditions relating to the ponds is legally defensible.

The existing conditions are part of the operations related to a large landfill. Pond 3 was expanded in 2004 and Pond 4 was constructed in 2011. USA Waste/WMI did receive approvals from the Local Enforcement Agency (LEA) and the Santa Ana Regional Water Quality Control Board prior to construction, and the California Department of Fish and Wildlife (CDFW), United States Army Corps of Engineers (USACE) and the RWQCB-SAR, all have conducted after-the-fact permitting efforts (site visits, review of reports, etc.) to address construction of the ponds. CDFW has issued a Streambed Alteration Agreement for the ponds, while USACE and RWQCB-SAR have not taken any action. Furthermore, County entitlements (building permits) were not required for construction of Pond 4, as this activity is/was exempt.

Finally, the changed location of both Pond 3 and Pond 4 actually resulted in reduced physical environmental impacts to biological resources, as well as aesthetics (preserved sensitive rock outcroppings) than what was originally proposed. See response to comment no. 2 above for additional measures taken to reduce aesthetic impacts relating to Pond 4.

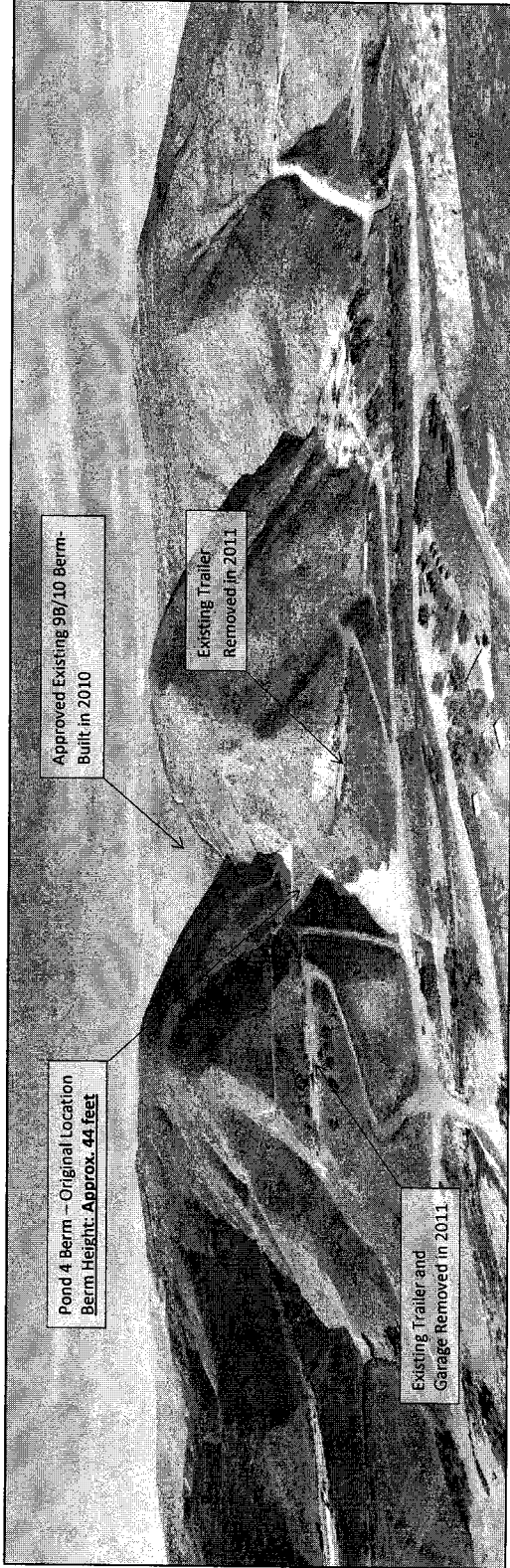
**ARC- comments provided during January 31, 2018 ARC meeting.**

- 1) [ARC] The ARC appreciated Staff addressing an earlier concern regarding Tribal outreach for the Project. The ARC was satisfied with the AEIR as written.

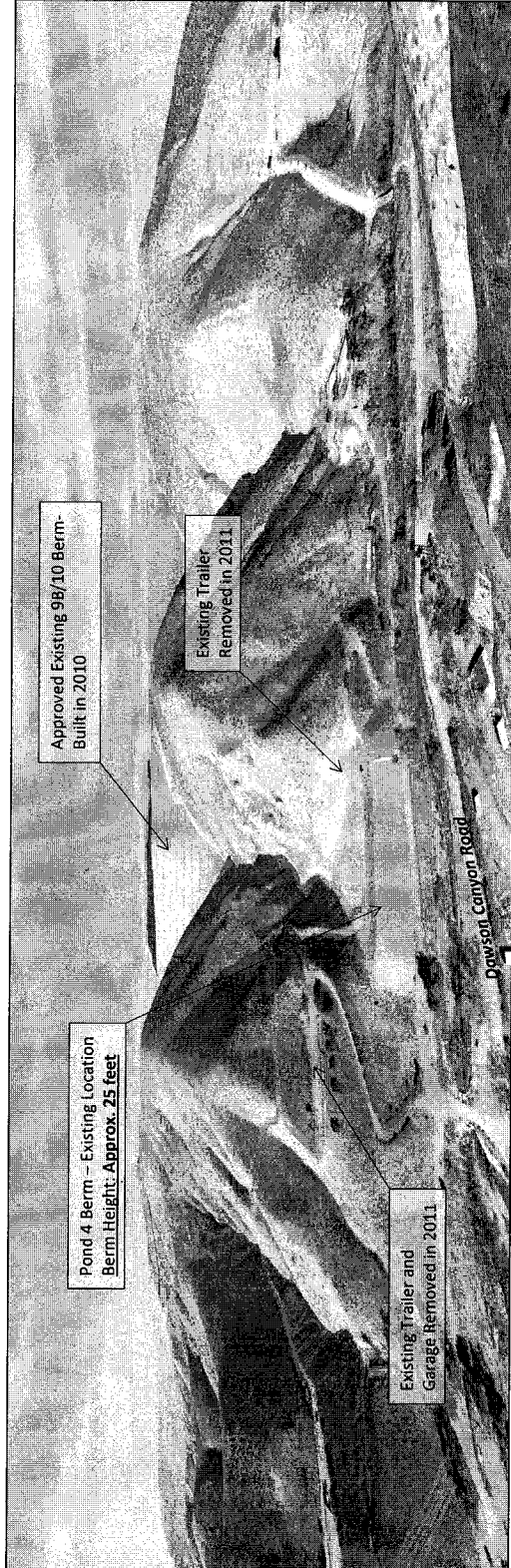
[County] Based on previous comments received from the ARC regarding the need for Tribal outreach, Staff provided notification of the Project to eight (8) area Tribes, with only the Pechanga Band of Mission Indians (Tribe) requesting consultation. Staff from the Riverside County Department of Waste Resources and WMI/USA Waste met with the Tribe to address Tribal Cultural Resources (TCRs). While the Tribe confirmed that the Project would not impact known TCRs, existing cultural resources-related mitigation measures were modified to more specifically reflect conditions involving the accidental discovery or recognition of human remains. In addition, new measures were added specifically to identify the Tribe for Native American monitoring and ownership of previously considered discovery of any unanticipated cultural resources. The AEIR and MMP were revised accordingly.

# EL SOBRACTANTE LANDFILL POND 4 VISUAL SIMULATION

May 11, 2018



View 1: Original Pond 4 Location

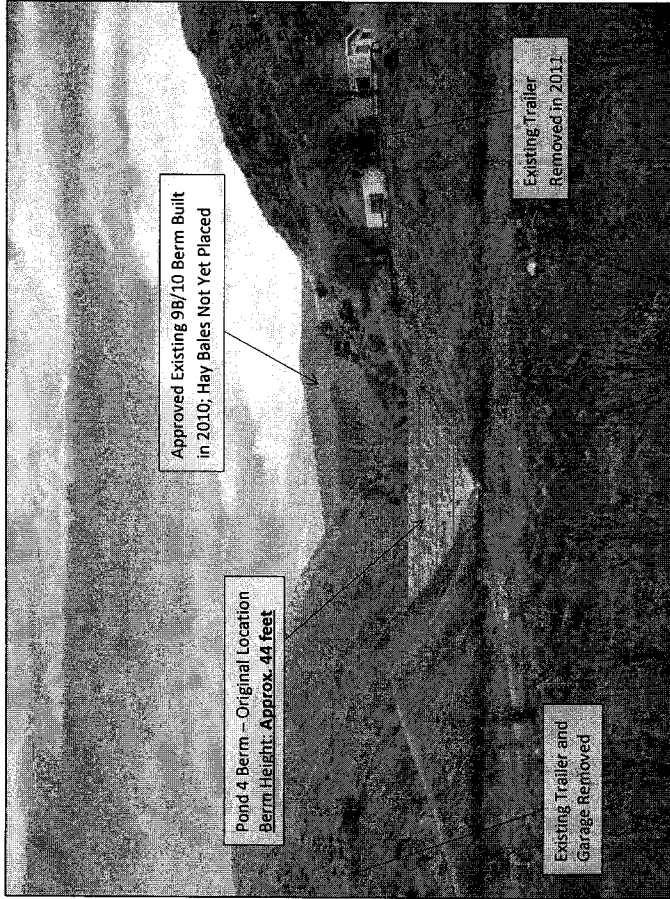


View 2: Existing Pond 4 Location

Note: Existing septic tank on the property was removed by El Sobrante Landfill in 2015.

# EL SOBRANTE LANDFILL POND 4 VISUAL SIMULATION

May 10, 2018



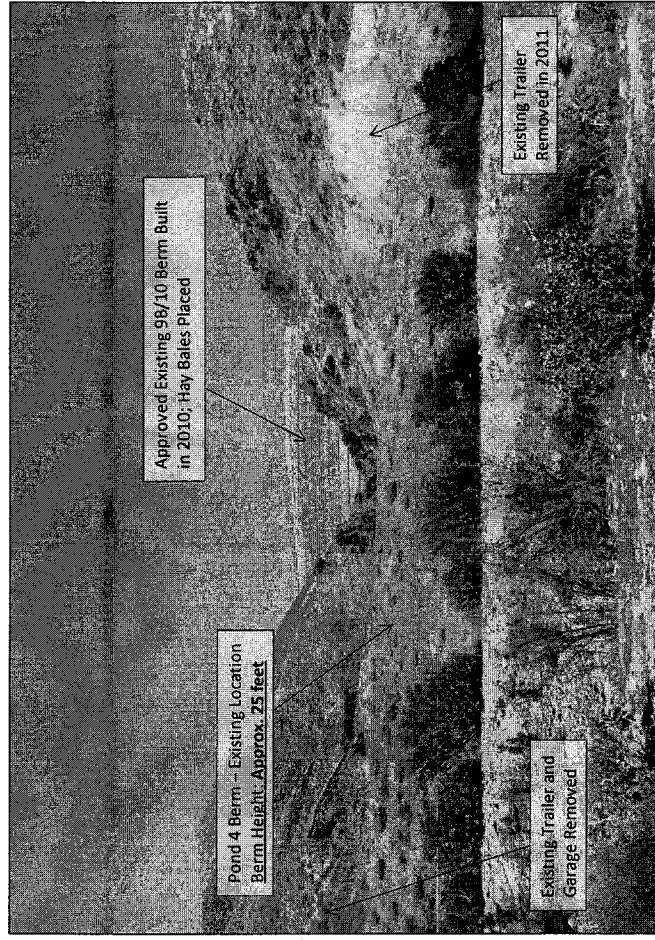
**Photo 1: Original Pond 4 Location**

Shown Via Visual Simulation

Photo Taken in 2010

Note: Existing septic tank on the property (not pictured) was removed by El Sobrante Landfill in 2015.

**Photo 2: Existing Pond 4 Location**  
Shown as Constructed- No Visual Simulation  
Photo Taken in 2018



WM has initiated several habitat improvement projects since purchasing the Project Site.

In the fall of 2011, the 0.45-acre external berm of the basin was hydroseeded with native RSS species in accordance with HCP requirements. The seed mix was the same mix used on the south-facing slopes of the Phase 10 and 11 berms that year. In February of 2014, **250** prickly-pear cactus (*Opuntia littoralis*) pads were planted throughout the 0.45-acre berm. This slope will be monitored and maintained in accordance with the HCP. This 0.45-acre RSS restoration project compensates for the loss of 0.11 acre of low quality RSS at a ratio of 4:1.

In 2012, between Dawson Canyon Road and Dawson Canyon Creek, a 0.36-acre riparian enhancement project was planted to screen the Phase 10 berm and Pond 4 from the road and residences. A temporary irrigation system was installed<sup>1</sup>. Trees planted included **15** western sycamores, **15** blue elderberries, **20** arroyo willows, and **10** black willows. The willows were planted in the creek bed and the other plants were placed along the south bank of Dawson Canyon Creek in NNG that borders Dawson Canyon Road. These plantings will enhance and expand the riparian and bank habitat in Dawson Canyon Creek. The plants are monitored for growth each year and dead plants are replaced. **Sugarbush and Matilija poppy (*Romneya coulteri*)** have been used as replacement plants in the drier areas. Both plants are present in Dawson Canyon.

A total of **134** laurel sumac (*Malosma laurina*), toyon (*Heteromeles arbutifolia*), and sugarbush shrubs were planted along the fences near the detention basin for screening. These shrubs also receive temporary irrigation and are monitored and replaced as needed.

A stand of tamarisk near the bridge was cut back in 2013 and repeat treatment was conducted in March 2014. Also in March 2014, WM's restoration contractor removed the other tamarisk, oleanders, and tree tobaccos from Dawson Canyon Creek. WM continues with the tamarisk and other weed removal projects, and removed dead plant litter from the creek upstream of the bridge for improved water flow.

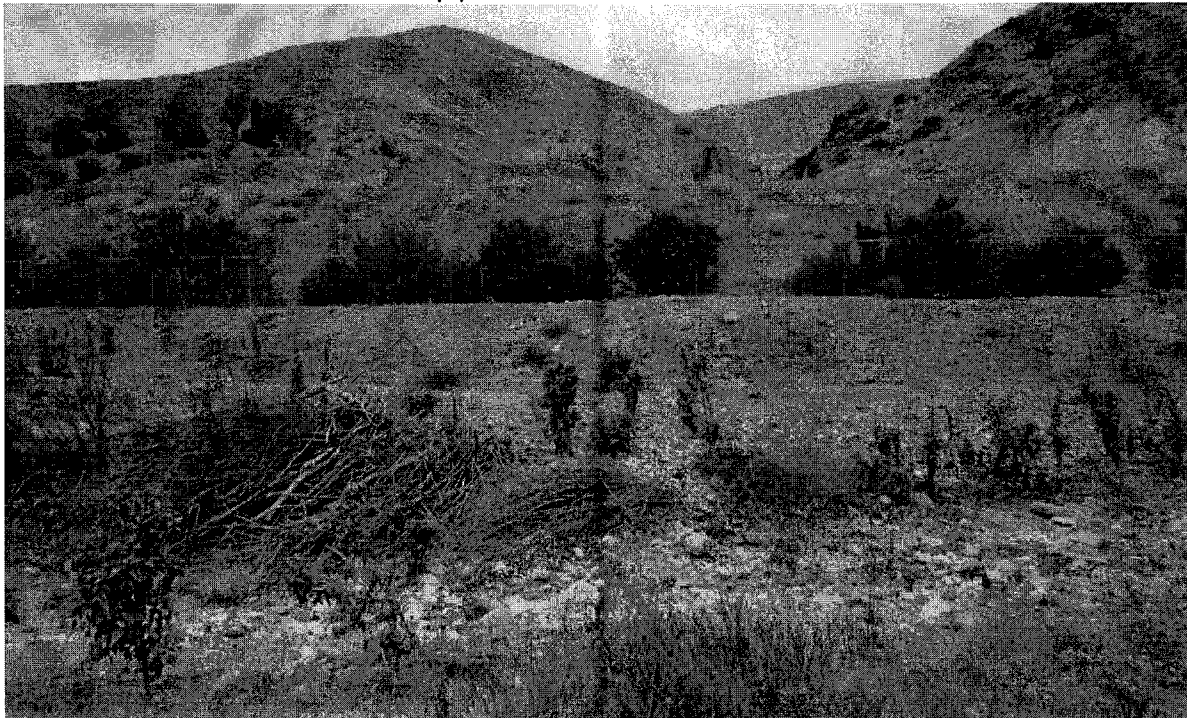
Additionally, in December 2017, WM hydroseeded the bare banks below the fence and along the road with the **RSS seed mix** to increase shrub cover for appearance.

The shrubs along the fence are now taller than the fence. The elderberries and lemonade berries along the road will grow to 15 feet tall and will block views from the road when mature. There are 2 surviving sycamore trees that will grow to 40 feet. WM also has removed dead vegetation from the previous landscaping for appearance.

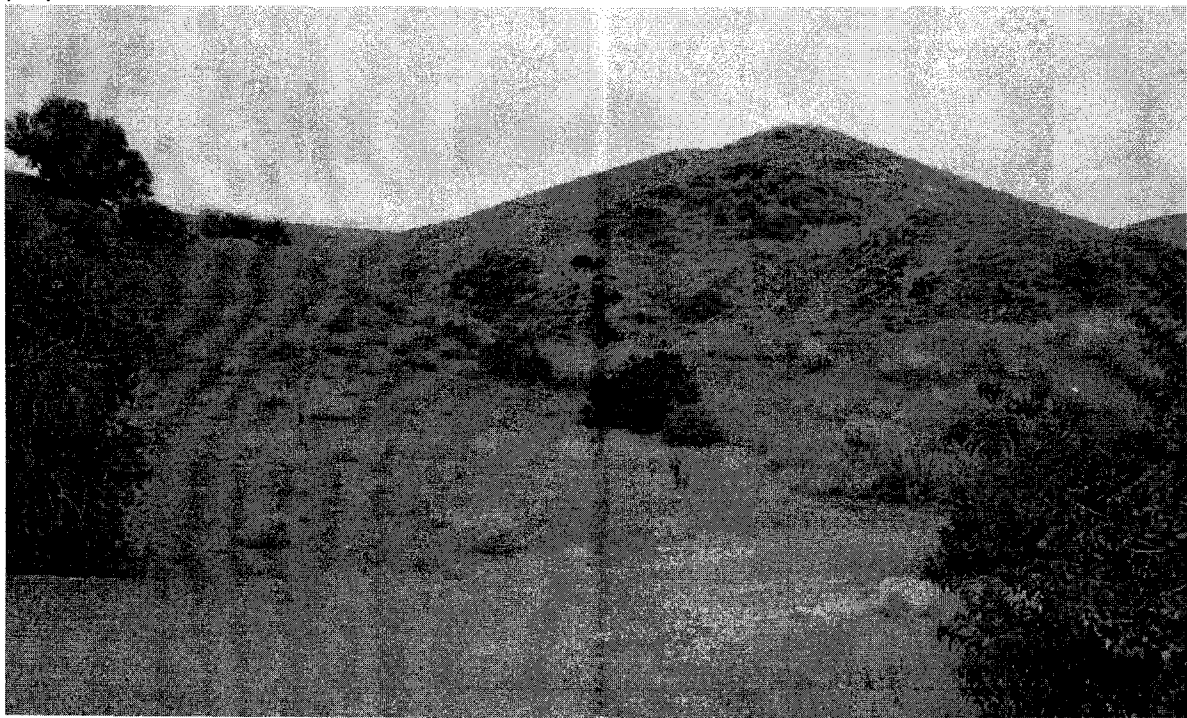
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<sup>1</sup> The irrigation lines were discontinued in 2017 and removed. The plants are mature enough to live on their own.

Behind the fence are the 3 dark green shrub species (toyon, laurel sumac, and lemonade berry), now growing over the fence and through it. The brown bank was hydroseeded with RSS to fill in front of the fence in December but hasn't come up yet.

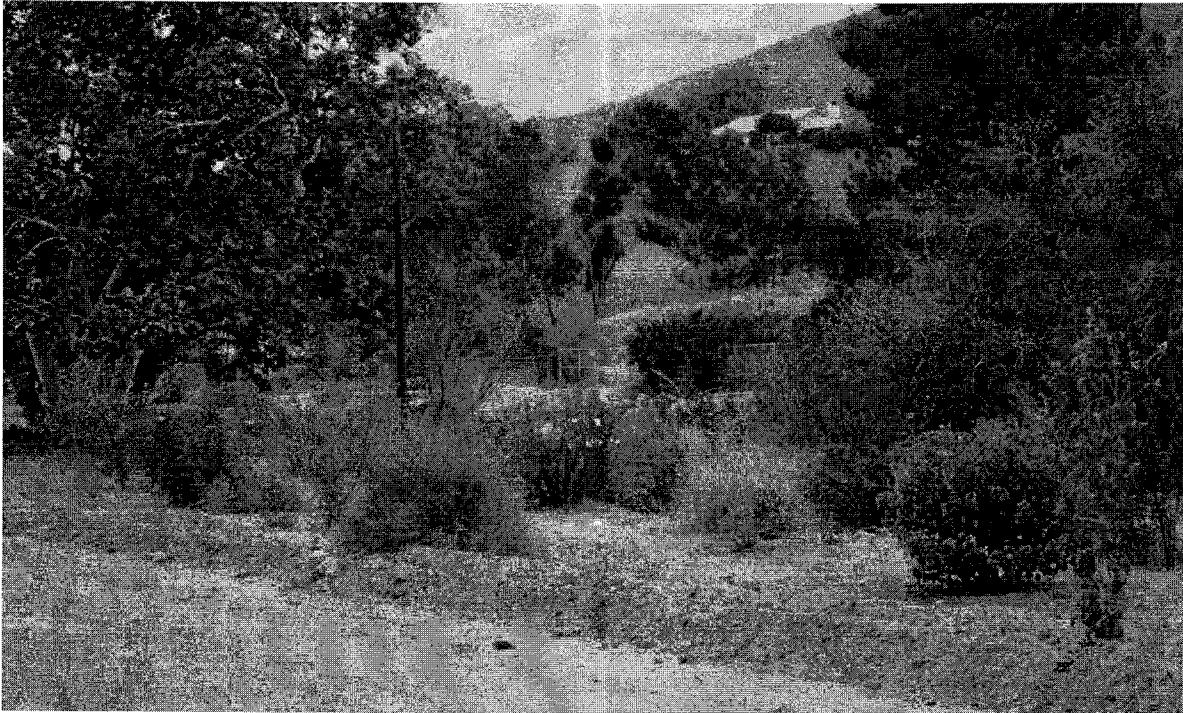


Below, the slope to the left of the fence is being weeded to make it RSS for habitat conservation purposes.

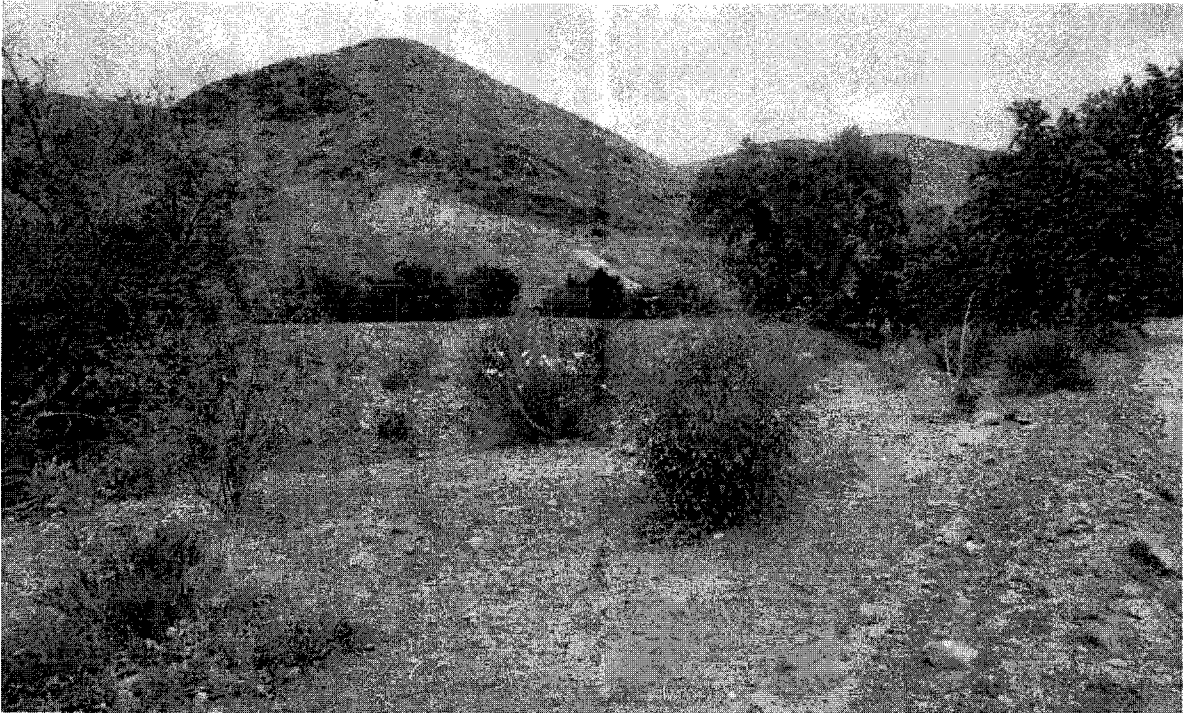




This area was vacant in 2012. Now, there are 3 elderberries (flat flowers), 2 Matilija poppies (fried egg flower), and a dark green lemonade berry plus a couple native shrubs. This area was hydro-seeded with RSS in December 2017—also between the creek and the road.



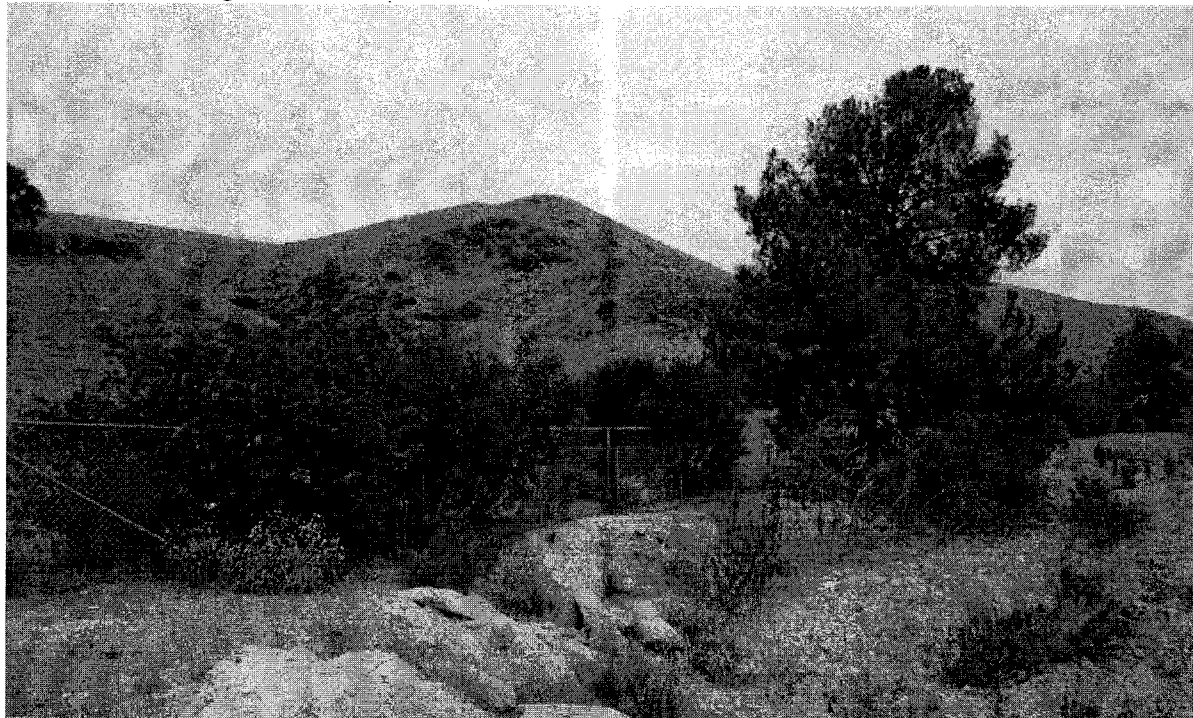
Below, is the same photo looking the other direction.



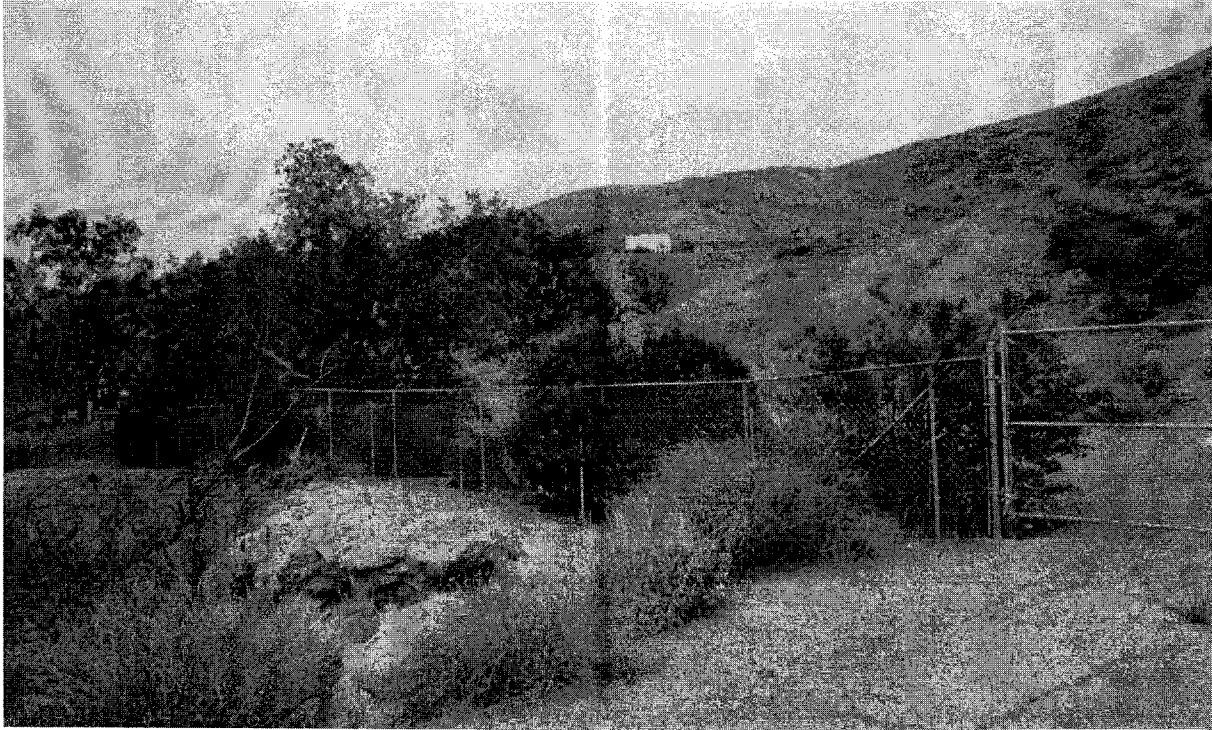
Elderberries, sycamores, and Matilija poppies planted between the creek and the road. The biggest elderberry is on the left.



To the right of the gate.



This is to the left of the gate. Neighbor's building structure is visible.





REMY | MOOSE | MANLEY

LLP

Andrea K. Leisy  
aleisy@rmmenvirolaw.com

July 16, 2018

Via Electronic & Regular Mail  
rmross@co.riverside.ca.us

Ryan Ross, Principal Planner  
Riverside County Department of Waste Resources.  
14310 Frederick Street  
Moreno Valley, CA 92553

Re: El Sobrante Landfill – 2018 Addendum for Proposed Modifications to Site  
Plan and Limits of Grading/ Footprint

Dear Mr. Ross:

We submit this letter on behalf of our client, USA Waste of California Inc. (dba Waste Management (WM)), the owner/ operator of the El Sobrante Landfill, and in response to various letters received by the County on the proposed Addendum this past weekend. Specifically, this letter responds to the letters submitted by Ms. Brissenden, Ms. Noss and Ms. Davis (collectively, “the letters”).

Generally, the letters express frustration regarding the 2010-2011 approval and construction of Pond 4 at its existing location, and the information (or lack thereof) made available to the public and interested stakeholders at that time. As stated in our client’s initial application for the project at issue, the relocation of Pond 4 was approved by the Regional Water Quality Control Board (RWQCB) and the Local Enforcement Agency (LEA) as required at that time.<sup>1</sup> Because no discretionary approvals were required by the County, the outreach and meetings that would otherwise occur today, such as the Citizens Oversight Committee meetings held for this project, did not. There was, nevertheless, no violation by the County of CEQA and no subsequent enforcement action by any public agency as noted by the letters.

In hindsight, the lessons learned over the 2011 Pond 4 process resulted in greater outreach and opportunity for public notice and comment, even when not required by a formal CEQA process. WM has also taken action to be responsive to the requests of neighbors by planting trees and shrubs. The two sycamores referenced by Ms. Brissenden were planted in 2012. Others were also planted but died (mostly from lack of water). Also planted, in part to replace trees that did die, and still living are about 15 elderberry bushes which should grow about 15 feet tall, along with lemonadeberry shrubs and

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<sup>1/</sup> See email and attachment from Ray Akhtarshad to Jane Soule at Geosyntec (January 2014), included as Exhibit 8 to the letter of Andrea K. Leisy (July 2016).

Matilija poppies. Also surviving are about 60 toyon, lemonadeberry, and laurel sumacs. All these were planted at the request of residents in response to Pond 4 aesthetic concerns. As the vegetation planted between the creek and the road continues to mature it will continue to block the view of the Pond 4 property.

As Ms. Brissenden acknowledges, CEQA does not require the County to go back in time and consider the potential effects of the changes to Pond 4 as constructed in 2011. (See letter to Board of Supervisors from Ruth Brissenden (July 15, 2018), p. 1, referring to Attachment E [County staff responses].) Rather, CEQA allows the County to consider Pond 4 as part of the existing baseline from which the potential effects of the proposed modifications are considered. (See *Citizens for East Shore Parks v. California State Lands Com.* (2011) 202 Cal. App. 4th 549, 561; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278.) Because the proposed modifications do not have any potential to result in direct or indirect physical environmental effects on Pond 4 as constructed, the Addendum was not required to analyze Pond 4.

Ms. Brissenden speculates that Pond 4 “may pose a problem from vectors.” (Brissenden letter, p. 2.) Considering the pond has been in its current location for nearly 7 years, there does not appear to be any substantial evidence supporting this concern. The Addendum, moreover, explains that there would be no increase in potential adverse effects from vectors. (Addendum, pp. 82-83.) This is due, in part, to how water is managed in the ponds, including Pond 4, such that mosquitos do not breed.

*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428 supports the County’s approach to the analysis in the Addendum. That case involved a challenge to an EIR for a quarry project and the EIR’s air quality analysis was found inadequate. (*Id.*, at p. 1435.) The Court of Appeal found that the superior court abused its discretion in requiring that the EIR account for prior illegal activity by using an early baseline from which impacts could be measured. (*Ibid.*) Here, there was no “illegal” activity and, even if there had been, under the reasoning in *Riverwatch*, such past activity would still be part of the existing baseline environment for purposes of environmental review.

\* \* \* \*

The County and our client have taken steps since 2011 to better ensure communication with the public and interested stakeholders regarding activities at the landfill, even if those activities do not involve discretionary approvals by the County. The Addendum, in our view, complies with CEQA and is adequate for the proposed modifications. (Pub. Resources Code, § 21168; CEQA Guidelines, §§ 15162-15164.)

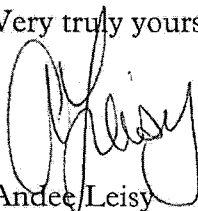
///

///

Ryan Ross  
July 16, 2018  
Page 3

We therefore respectfully request that the Board adopt the Addendum and approve the modifications. Thank you in advance for your consideration of our comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andee Leisy". The signature is stylized with a large initial "A" and a long horizontal stroke.

Andee Leisy

Cc: Mike Hammer, USA Waste of California

6 minutes ✓

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** LEE Wilson

**Address:** 24634 Hatton Ln  
(only if follow-up mail response requested)

**City:** Temescal Valley **Zip:** 92883

**Phone #:** 714 612-0123 6271

**Date:** 7-17-18 **Agenda #** 12.1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

Support     Oppose     Neutral

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

Support     Oppose     Neutral

**I give my 3 minutes to:** \_\_\_\_\_

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Request to Speak**

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Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Ruth Brissenden

**Address:** 10215 Wroncler  
(only if follow-up mail response requested)

**City:** Ferneseal Valley **Zip:** 92883

**Phone #:** 949-212-6297 (6271)

**Date:** 7/17/18 **Agenda #** 12.1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

       Support        X   Oppose             Neutral

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the appeal below:

       Support             Oppose             Neutral

**I give my 3 minutes to:** Lee Wilson

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**SPEAKER'S NAME:** Amie Kinne

**Address:** 11775 Dawson Cyn Rd.  
(only if follow-up mail response requested)

**City:** Temescal Valley **zip:** 92883

**Phone #:** \_\_\_\_\_

**Date:** 7-17-2018 **Agenda #** 12.1 627/1

**PLEASE STATE YOUR POSITION BELOW:**

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\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

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**I give my 3 minutes to:** \_\_\_\_\_

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**SPEAKER'S NAME:** JERRY SINGCH

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** JEMESCAL VALLEY **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** 7/17/2018 **Agenda #** 12.1

6271

**PLEASE STATE YOUR POSITION BELOW:**

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**SPEAKER'S NAME:** JANNLEE WATSON

**Address:** 23043 SUNROSE ST.  
(only if follow-up mail response requested)

**City:** TEMESCAL VALLEY / **zip:** 92883

**Phone #:** 951-277-0389

(6271)

**Date:** 07.17.18      **Agenda #** 12.1

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**SPEAKER'S NAME:** ROB MUGHA

**Address:** 22512 AMBER EVE DR.  
(only if follow-up mail response requested)

**City:** TEMESCAL VALLEY **Zip:** 92883

**Phone #:** 714-402-7017

(6271)

**Date:** 7/17/18 **Agenda #** 12.1

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**SPEAKER'S NAME:** John Watson

**Address:** 23043 Somrose St  
(only if follow-up mail response requested)

**City:** Temescal Valley **Zip:** 92883

**Phone #:** \_\_\_\_\_

**Date:** 9/07/18 **Agenda #** 12.1

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**I give my 3 minutes to:** Rob Mucha

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