STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE RELOOC STRATEGIC PLAN – OLINDA ALPHA LANDFILL IMPLEMENTATION

1.0 INTRODUCTION

The County of Orange is the Lead Agency under the California Environmental Quality Act (CEQA), responsible for preparation, review and certification of the Final Environmental Impact Report (FEIR) for the Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Olinda Alpha Landfill Implementation (EIR No. 588). As the Lead Agency, the County is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed action.

In making this determination the Lead Agency is guided by the CEQA Guidelines Section 15093 which provides as follows:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

In addition, Public Resources Code Section 21082(b) requires that where a public agency finds that economic, legal, social, technical or other reasons make infeasible the mitigation measures or alternatives identified in the EIR and thereby leave significant unavoidable adverse project effects, the public agency must also find that overriding economic, legal, social, technical or other benefits of the project outweigh the significant unavoidable adverse effects of the project.

Final EIR 588 identified a number of alternatives to the RELOOC Strategic Plan – Olinda Alpha Landfill Implementation Project (proposed project) to evaluate and determine the extent to which they meet the basic project objectives, while avoiding or substantially lessening any significant adverse impacts of the proposed project. However, for the reasons detailed in the Statement of

Findings of Facts in Support of the proposed project, all of the alternatives were found not to be environmentally superior to the proposed project.

The County of Orange Board of Supervisors (BOS), acting as the Lead Agency and having reviewed Final EIR 588 and public records, adopts this Statement of Overriding Considerations (SOC), which has balanced the benefits of the project against its significant unavoidable adverse impacts in reaching a decision to approve the project.

2.0 ABSENCE OF SIGNIFICANT NEW INFORMATION

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Board of Supervisors has reviewed the EIR giving due consideration to the time and circumstances since the EIR was considered by the Planning Commission in assessing whether significant new information has been added or significant changes in the project or its surrounding circumstances have occurred. Based on that review and the requirements of Guidelines Section 15088.5, the Board of Supervisors hereby finds that no significant new information has been added to the FEIR since public notice was given of the availability of the DEIR that would require recirculation of the EIR.

3.0 UNAVOIDABLE ADVERSE SIGNIFICANT IMPACTS

Although most potential environmental impacts identified in Final EIR 588 for the project have been substantially avoided or mitigated through the identification and adoption of Project Design Features, and Mitigation Measures (as more specifically described in the Statement of Findings and Facts approved for the project), some impacts including land use, recreation, open space, traffic, aesthetics and noise, all of which the County believes are adequately mitigated, remain, may or are asserted to remain, for which complete mitigation is not feasible or may not be sufficient in some other manner. As to any impacts considered significant and unavoidable if the project is approved and implemented, the Board of Supervisors has determined, after balancing the specific economic, legal, social, technological and other benefits of the project, that the unavoidable, adverse environmental impacts as addressed in the EIR are considered acceptable in light of the considerations, specifically identified below, which outweigh the unavoidable, adverse environmental impacts of the project as specifically identified or subsequently determined.

3.1 AIR QUALITY

3.1.1 Impact

Implementation of the proposed project would create short and long term adverse air quality impacts which cannot be mitigated to below a level of significance and which, therefore, are considered to be unavoidable adverse impacts. The mitigation measures identified in the FEIR would substantially lessen the adverse impacts but would not completely avoid these impacts.

3.2 LAND USE

3.2.1 Impact

Implementation of the proposed project would not be consistent with the existing MOU between the County of Orange and the City of Brea regarding Olinda Alpha Landfill. The MOU addresses issues related to the existing and future landfill, circulation and recreational facilities anticipated under the Orange County and City of Brea General Plans for the landfill property. The MOU sets forth the permitted tonnage, operational guidelines and closure conditions for the landfill. The existing MOU identifies the landfill closure date as 2013. Under the proposed project, closure would be extended to approximately 2021 based on increased operational efficiencies, current population projections and existing disposal technologies. Therefore, the MOU would require modification to show this later closure date under the proposed project. However, the County and City have engaged in extensive negotiations and have not arrived at an agreement that would address these potential impacts.

In addition to the overall consistency with the existing MOU, the City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the acquisition, management and maintenance of additional open space and a wildlife corridor to offset asserted impacts. While the EIR did not find any impacts to land use, this subject has been one of the subjects discussed by City and County in the course of negotiations related to possible amendment of the existing MOU between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee.

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted land use impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.3 NOISE AND VIBRATION

3.3.1 Impact

For residential units on Valencia Avenue north of Carbon Canyon Road which are approved prior to any approval of an expansion at Olinda Alpha Landfill, which are constructed and occupied before 2013 and which would be impacted by 65 dBA CNEL or higher traffic noise, the County of Orange IWMD will contribute a fair share to a road noise reduction program for these residences, if such a program is implemented by the City of Brea. This program could potentially implement a variety of road noise reduction measures which may include reduction in road speeds on the segment of Valencia Avenue north of Carbon Canyon Road, construction of sound walls adjacent to the affected residences and/or installation of rubberized asphalt concrete on Valencia Avenue north of Carbon Canyon Road.

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement to provide for fair share participation in a road noise reduction program, the proposed mitigation of the noise impacts based on that renegotiation cannot be carried out as a result of circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.4 AESTHETICS

3.4.1 Impacts

The City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the installation and maintenance of landscaped medians along truck routes to offset asserted impacts. While the EIR did not find any impacts to aesthetics or from transportation noise, or facilities, this has been one of the subjects discussed by City and County in the course of negotiations related to an agreement between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee. The City and County have not reached concurrence on a new agreement.

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted aesthetic and transportation impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.5 BIOLOGICAL RESOURCES

3.5.1 Impacts

In addition to the overall consistency with the existing MOU, the City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the acquisition, management and maintenance of additional open space and a wildlife corridor to offset asserted impacts. While the EIR did not find any impacts to biological resources, this has been one of the subjects discussed by City and County in the course of negotiations related to a new agreement between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee.

The County prepared complete responses to all of the comments received, including those of the City of Brea. The responses to comments addressed the City of Brea's concerns regarding the project. As part of its mitigation strategy, the County engaged in extensive negotiations with the

City of Brea in order to develop an amendment to the existing MOU to address the City's concerns. As of this moment, the City and County have been unable to arrive at a mutually acceptable understanding. This means that, in some cases, identified mitigation measures cannot be implemented due to circumstances beyond the control of the County. Because this is an important public project necessary to provide for the public health, safety and welfare by providing cost effective trash disposal within the County of Orange for the benefit of its residents, a Statement of Overriding Considerations has been prepared describing the specific economic, legal, social, technological or other benefits of the project that outweigh the environmental impacts and support the decision to approve the project without mitigation of the impacts that cannot be avoided or reduced to an acceptable level, including all of the elements on which the County and City have been unable to arrive at an acceptable mitigation through development of a new agreement.

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted biological resources impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.6 RECREATION

2.6.1 Impacts

The City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the development, operation, and management of a proposed sports park to offset asserted impacts of the delay in post closure conversion of the landfill into a park. While the EIR did not find any impacts on recreational facilities, this subject has been one of the subjects discussed by City and County in the course of negotiations related to possible amendment of the existing MOU between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee.

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted recreation impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.0 OVERRIDING CONSIDERATIONS

The proposed action consists of the adoption of the RELOOC Strategic Plan – Olinda Alpha Landfill Implementation EIR for the vertical and horizontal expansion of Olinda Alpha Landfill located at 1942 North Valencia Avenue in unincorporated Orange County, near the City of Brea. Analysis in the EIR for this project has concluded that the proposed project will result in short and long term air quality impacts that cannot be mitigated to a less than significant level. Analysis in the EIR has also concluded that, there would be land use impacts that cannot be mitigated to a less than significant level without an agreement between the City and County. Such an agreement is not possible at this time. All other potential significant adverse project impacts have been mitigated to a level less than significant based on mitigation measures in the FEIR. All significant unavoidable adverse impacts are identified in the EIR and are addressed in the Statement of Findings and Facts.

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Specific economic, legal, social, technological, or other considerations make infeasible effective mitigation measures or the alternatives identified in the Final Program EIR. The Board of Supervisors has adopted a Statement of Overriding Considerations to address this impact of the Project.

1. Although most potential environmental impacts identified in Final EIR 588 for the project have been substantially avoided or mitigated through the identification and adoption of Project Design Features, and Mitigation Measures (as more specifically described in the Statement of Findings and Facts approved for the project), some impacts including land use, recreation, open space, traffic, aesthetics and noise, all of which the County believes are adequately mitigated, remain, may or are asserted to remain, for which complete mitigation is not feasible or may not be sufficient in some other manner. As to any impacts considered significant and unavoidable if the project is approved and implemented, after balancing the specific economic, legal, social, technological and other benefits of the project, the Board of Supervisors has determined that the unavoidable, adverse environmental impacts as addressed in the EIR are considered acceptable in light of the considerations, specifically identified below, which outweigh the unavoidable, adverse environmental impacts of the project as specifically identified or subsequently determined.

2. The County has determined that the significant unavoidable adverse impacts to air quality, land use and any other impact resulting from the implementation of the proposed project, which will remain after mitigation, including those identified as being mitigated or not requiring mitigation but are subsequently found to remain after mitigation for any reason, are acceptable and are outweighed by specific social, economic and other benefits of the project. In making this

determination, the following factors and public benefits were considered as overriding considerations which apply to the unavoidable significant adverse impacts of the proposed project.

3. Strategic planning for municipal solid waste (MSW) needs in Orange County is the responsibility of the County of Orange Integrated Waste Management Department (IWMD). RELOOC is a short and long term strategic planning project initiated by IWMD in 1998 to address existing disposal system capabilities and future needs, and to develop viable short and long term solid waste disposal options for the County. Effective and timely implementation of the RELOOC plan is critical for maintaining local control over solid waste capacity in Orange County for as long as possible and thereby maintaining control over the disposal rates and fees that Orange County cities and citizens pay. This is important because Orange County residents generate about 4 million tons of refuse every year. Research indicates that by 2039 Orange County's population will have increased by 25 percent. Therefore, the need for disposal capacity will only continue to increase.

4. The capacity of a landfill is determined by, among other factors: total air space, refuse volume, liner volume, refuse-to-soil ratio. As of June 30, 2006, the landfill capacity for Orange County is 18.9 million tons at Olinda Alpha, 73.0 million tons at Prima Deshecha Landfill and 42.4 million tons at FRB. Implementation of the proposed project would ultimately accommodate disposal of an additional 25.7 million cubic yards or 14.2 million tons of MSW at the Olinda Alpha Landfill. This increased capacity will enable the County to be better equipped to continue to meet its current and future demand for landfill capacity.

5. If the project is not developed, excess tonnage beyond the permit limits would need to be transported out of Orange County for disposal. Out-of-County landfills would have to be permitted to accept the excess tonnage from Orange County and may include El Sobrante Landfill in Riverside County and/or the Mid-Valley Landfill in San Bernardino County. Environmental impacts associated with hauling/disposing of waste at alternate disposal sites would occur. There would be greater impacts related to transportation and circulation, air quality and noise. There would be greater traffic occurring on road systems leading to the alternate landfill locations for diverted Olinda Alpha Landfill MSW after closure in 2013. Due to the greater travel distance to transport MSW from the Olinda Alpha Landfill service area to other landfills, there would be a greater generation of air pollutant emissions. There may be the potential for adverse increased noise impacts if sensitive receptors are located along the travel routes of trucks hauling MSW in Orange County and on the route to out-of-County landfills.

6. The unavoidable adverse impacts of the proposed project have been mitigated to the extent possible and, although significant adverse short and long term air quality impacts still remain, it is the goal of the IWMD which manages landfills in Orange County, to provide a long term regional solid waste management facility with appropriate environmental safeguards to protect the environmental resources which exist on site and on properties

surrounding landfills. The proposed project will minimize adverse environmental impacts associated with solid waste disposal.

7. The proposed project will provide needed facilities and services to residents of the County. The ultimate use of this property, after termination of landfilling, will be a passive regional park which will enhance regional recreational opportunities in the County.

8. Implementation of the proposed project will enable the IWMD to maintain adequate revenues and local control of waste disposal to provide consistent and reliable public rates and fees.

9. Implementation of the proposed project would minimize adverse environmental impacts by fully utilizing an existing solid waste disposal facility that serves the people in north Orange County, particularly, for an additional time of approximately eight years, thereby lessening the need for the development of new landfill facilities in Orange County.

10. The planning for this project was based on projected population changes, waste tonnage projections which established a total system demand for waste capacity. This analysis was part of an effort to develop viable short and long term waste disposal options for the County. Failure to provide for the waste disposal needs of the County in its existing landfills will require transportation of waste that cannot be accommodated to out of County landfills as considerable expense to the County and its residents and with additional environmental impacts.

4.0 LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the County's findings and decisions are based are located at County of Orange, Planning and Development Services Department, 300 North Flower Street, P.O. Box 4048, Santa Ana, CA 92702-4048. The custodian for these documents is the Director of the Planning and Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a) (2) and 14 Cal. Code of Regulations Section 15091(e).

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1.0 INTRODUCTION

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b) When the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

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Findings of Facts in Support of the proposed project, all of the alternatives were found not to be environmentally superior to the proposed project.

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3.1 AIR QUALITY

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted land use impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.3 NOISE AND VIBRATION

3.3.1 Impact

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement to provide for fair share participation in a road noise reduction program, the proposed mitigation of the noise impacts based on that renegotiation cannot be carried out as a result of circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.4 AESTHETICS

3.4.1 Impacts

The City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the installation and maintenance of landscaped medians along truck routes to offset asserted impacts. While the EIR did not find any impacts to aesthetics or from transportation noise, or facilities, this has been one of the subjects discussed by City and County in the course of negotiations related to an agreement between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee. The City and County have not reached concurrence on a new agreement.

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The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted aesthetic and transportation impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.5 BIOLOGICAL RESOURCES

3.5.1 Impacts

In addition to the overall consistency with the existing MOU, the City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the acquisition, management and maintenance of additional open space and a wildlife corridor to offset asserted impacts. While the EIR did not find any impacts to biological resources, this has been one of the subjects discussed by City and County in the course of negotiations related to a new agreement between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee.

The County prepared complete responses to all of the comments received, including those of the City of Brea. The responses to comments addressed the City of Brea's concerns regarding the project. As part of its mitigation strategy, the County engaged in extensive negotiations with the

City of Brea in order to develop an amendment to the existing MOU to address the City's concerns. As of this moment, the City and County have been unable to arrive at a mutually acceptable understanding. This means that, in some cases, identified mitigation measures cannot be implemented due to circumstances beyond the control of the County. Because this is an important public project necessary to provide for the public health, safety and welfare by providing cost effective trash disposal within the County of Orange for the benefit of its residents, a Statement of Overriding Considerations has been prepared describing the specific economic, legal, social, technological or other benefits of the project that outweigh the environmental impacts and support the decision to approve the project without mitigation of the impacts that cannot be avoided or reduced to an acceptable level, including all of the elements on which the County and City have been unable to arrive at an acceptable mitigation through development of a new agreement.

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted biological resources impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.6 RECREATION

2.6.1 Impacts

The City has indicated, outside of the EIR process in discussions of a possible MOU amendment, that it believes that the County should pay some significant contribution to the development, operation, and management of a proposed sports park to offset asserted impacts of the delay in post closure conversion of the landfill into a park. While the EIR did not find any impacts on recreational facilities, this subject has been one of the subjects discussed by City and County in the course of negotiations related to possible amendment of the existing MOU between the parties. In the absence of an impact there is no nexus to support any mitigation or mitigation fee.

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

The fact that the County and City have not been able to agree on a mutually satisfactory agreement, means that the proposed mitigation of the asserted recreation impacts based on that renegotiation cannot be carried out due to circumstances beyond the control of the County. Therefore, those impacts are included in the Statement of Overriding Considerations.

3.0 OVERRIDING CONSIDERATIONS

The proposed action consists of the adoption of the RELOOC Strategic Plan – Olinda Alpha Landfill Implementation EIR for the vertical and horizontal expansion of Olinda Alpha Landfill located at 1942 North Valencia Avenue in unincorporated Orange County, near the City of Brea. Analysis in the EIR for this project has concluded that the proposed project will result in short and long term air quality impacts that cannot be mitigated to a less than significant level. Analysis in the EIR has also concluded that, there would be land use impacts that cannot be mitigated to a less than significant level without an agreement between the City and County. Such an agreement is not possible at this time. All other potential significant adverse project impacts have been mitigated to a level less than significant based on mitigation measures in the FEIR. All significant unavoidable adverse impacts are identified in the EIR and are addressed in the Statement of Findings and Facts.

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Specific economic, legal, social, technological, or other considerations make infeasible effective mitigation measures or the alternatives identified in the Final Program EIR. The Board of Supervisors has adopted a Statement of Overriding Considerations to address this impact of the Project.

1. Although most potential environmental impacts identified in Final EIR 588 for the project have been substantially avoided or mitigated through the identification and adoption of Project Design Features, and Mitigation Measures (as more specifically described in the Statement of Findings and Facts approved for the project), some impacts including land use, recreation, open space, traffic, aesthetics and noise, all of which the County believes are adequately mitigated, remain, may or are asserted to remain, for which complete mitigation is not feasible or may not be sufficient in some other manner. As to any impacts considered significant and unavoidable if the project is approved and implemented, after balancing the specific economic, legal, social, technological and other benefits of the project, the Board of Supervisors has determined that the unavoidable, adverse environmental impacts as addressed in the EIR are considered acceptable in light of the considerations, specifically identified below, which outweigh the unavoidable, adverse environmental impacts of the project as specifically identified or subsequently determined.

2. The County has determined that the significant unavoidable adverse impacts to air quality, land use and any other impact resulting from the implementation of the proposed project, which will remain after mitigation, including those identified as being mitigated or not requiring mitigation but are subsequently found to remain after mitigation for any reason, are acceptable and are outweighed by specific social, economic and other benefits of the project. In making this

determination, the following factors and public benefits were considered as overriding considerations which apply to the unavoidable significant adverse impacts of the proposed project.

3. Strategic planning for municipal solid waste (MSW) needs in Orange County is the responsibility of the County of Orange Integrated Waste Management Department (IWMD). RELOOC is a short and long term strategic planning project initiated by IWMD in 1998 to address existing disposal system capabilities and future needs, and to develop viable short and long term solid waste disposal options for the County. Effective and timely implementation of the RELOOC plan is critical for maintaining local control over solid waste capacity in Orange County for as long as possible and thereby maintaining control over the disposal rates and fees that Orange County cities and citizens pay. This is important because Orange County residents generate about 4 million tons of refuse every year. Research indicates that by 2039 Orange County's population will have increased by 25 percent. Therefore, the need for disposal capacity will only continue to increase.

4. The capacity of a landfill is determined by, among other factors: total air space, refuse volume, liner volume, refuse-to-soil ratio. As of June 30, 2006, the landfill capacity for Orange County is 18.9 million tons at Olinda Alpha, 73.0 million tons at Prima Deshecha Landfill and 42.4 million tons at FRB. Implementation of the proposed project would ultimately accommodate disposal of an additional 25.7 million cubic yards or 14.2 million tons of MSW at the Olinda Alpha Landfill. This increased capacity will enable the County to be better equipped to continue to meet its current and future demand for landfill capacity.

5. If the project is not developed, excess tonnage beyond the permit limits would need to be transported out of Orange County for disposal. Out-of-County landfills would have to be permitted to accept the excess tonnage from Orange County and may include El Sobrante Landfill in Riverside County and/or the Mid-Valley Landfill in San Bernardino County. Environmental impacts associated with hauling/disposing of waste at alternate disposal sites would occur. There would be greater impacts related to transportation and circulation, air quality and noise. There would be greater traffic occurring on road systems leading to the alternate landfill locations for diverted Olinda Alpha Landfill MSW after closure in 2013. Due to the greater travel distance to transport MSW from the Olinda Alpha Landfill service area to other landfills, there would be a greater generation of air pollutant emissions. There may be the potential for adverse increased noise impacts if sensitive receptors are located along the travel routes of trucks hauling MSW in Orange County and on the route to out-of-County landfills.

6. The unavoidable adverse impacts of the proposed project have been mitigated to the extent possible and, although significant adverse short and long term air quality impacts still remain, it is the goal of the IWMD which manages landfills in Orange County, to provide a long term regional solid waste management facility with appropriate environmental safeguards to protect the environmental resources which exist on site and on properties

surrounding landfills. The proposed project will minimize adverse environmental impacts associated with solid waste disposal.

7. The proposed project will provide needed facilities and services to residents of the County. The ultimate use of this property, after termination of landfilling, will be a passive regional park which will enhance regional recreational opportunities in the County.

8. Implementation of the proposed project will enable the IWMD to maintain adequate revenues and local control of waste disposal to provide consistent and reliable public rates and fees.

9. Implementation of the proposed project would minimize adverse environmental impacts by fully utilizing an existing solid waste disposal facility that serves the people in north Orange County, particularly, for an additional time of approximately eight years, thereby lessening the need for the development of new landfill facilities in Orange County.

10. The planning for this project was based on projected population changes, waste tonnage projections which established a total system demand for waste capacity. This analysis was part of an effort to develop viable short and long term waste disposal options for the County. Failure to provide for the waste disposal needs of the County in its existing landfills will require transportation of waste that cannot be accommodated to out of County landfills as considerable expense to the County and its residents and with additional environmental impacts.

4.0 LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the County's findings and decisions are based are located at County of Orange, Planning and Development Services Department, 300 North Flower Street, P.O. Box 4048, Santa Ana, CA 92702-4048. The custodian for these documents is the Director of the Planning and Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a) (2) and 14 Cal. Code of Regulations Section 15091(e).