



City of San Clemente Public Works

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Thursday, October 26, 2023

OC Waste & Recycling

Aimee Halligan, CEQA & Habitat Program Manager
601 North Ross Street, 5th Floor
Santa Ana, CA 92701

SUBJECT: City of San Clemente Response Letter to the Notice of Preparation (NOP) regarding the Increase in Maximum Daily Operations at Prima Deshecha Landfill Project.

Dear, Ms. Halligan

The City of San Clemente (City) appreciates the opportunity to provide comments to Orange County Waste & Recycling (OCW&R) during the Notice of Preparation (NOP) period for a Supplemental Environmental Impact Report (SEIR) to increase Maximum Daily Operations at the Prima Deshecha Landfill (landfill).

Based on a review of the Initial Study prepared for the project, it's our understanding that the supplemental EIR is being prepared in order to analyze impacts associated with increasing the daily maximum tonnage received at the landfill from 4,000 tons per day (TPD) to 8,000 TPD and up to 36 operational emergency days (such as a freeway closure resulting in the inaccessibility of another landfill location) in which the 8,000 TPD limit may be exceeded. Furthermore, with the implementation of the project it's anticipated that potentially significant impacts related to Air Quality (Dust and Odor), Energy, Greenhouse Gas Emissions, Hazard/Hazardous Materials (Falling Debris), Noise, and Transportation may occur.

As OCW&R is aware, the communities of Forster Ranch and Talega border the existing landfill to the south. Given the project's proximity to these existing communities there is increased interest concerning the potential for these impacts to affect residents in these areas. In addition, the City is concerned about potential traffic impacts, air quality, and degradation of paving within the City if additional truck trips are anticipated within the City. The City requests to be included in the future Notice of Availability (NOA) of the SEIR so that we may review any proposed mitigation and comment as appropriate during the 45-day public review period.

Also, based on a preliminary review of environmental impacts evaluated in the Initial Study, the City notes that there are other topical areas that have not been selected for further evaluation or discussion concerning impacts as they've been previously mitigated in past supplements or amendments. The narrative in several locations does not sufficiently address or provide a reasonable explanation for that conclusion in order for the City or members of the public to concur. The City understands that further analysis and discussion may

occur for the preparation of the SEIR. In the interim, City staff has prepared the following discussion for consideration and requests that responses be provided for the City's review that address the adequacy of proposed mitigation.

California Environmental Quality Act (CEQA)

According to the California Environmental Quality Act (CEQA) Section 15063 (d)(3), an Initial Study shall contain, *"An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found. Cal. Code Regs. tit. 14 § 15063."*

The City is of the opinion that the Initial Study should include further discussion concerning findings of "No Impact" or "Less Than Significant with Mitigation Measures Incorporated." There have been many addenda and supplements prepared for the project over the years. The City would request that the SEIR provide additional discussion and/or justification regarding statements for "no impact" or "Less than Significant with Mitigation Measures Incorporated" for ease of review by both the City and general public. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Additionally, more explanation is needed to exclude impact analysis from the SEIR. A "No Impact" finding means that the potential impact was fully analyzed and/or mitigated in the prior CEQA document and no new or different impacts will result from the proposed activity. This must be explained where it is based on project-specific factors as well as general standards. Although earlier analysis can be used it should identify and state where they are available for review. Furthermore, the following should also be considered in light of previous environmental review and mitigation for the project. For a finding "Less than Significant with Mitigation Measures Incorporated", the prior mitigation measures must be described and the extent to which they address site-specific conditions for the project. The finding "Less than Significant with Mitigation Measures Incorporated" may be used if CEQA Guidelines Section 15162 findings can be made if there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there must not be "new information of substantial importance." The SEIR should address these items in order to be consistent with CEQA.

The City has particular interest in the following topics and has concerns that the project may have the potential to introduce new or create intensification of impacts to the City.

Additional CEQA Topics Requiring Further Discussion

Two topical areas of the Initial Study are addressed as having been previously mitigated or would not pose an impact under CEQA. Topical areas that the City requests further analysis and/or justification of impact findings for include Aesthetics and Wildfire.

Aesthetics:

Based on the City's review of the Initial study it notes that the Final EIR No. 575 had identified that at build out of the General Development Plan (GDP) for the landfill that an unavoidable significant adverse impact would occur even after implementation of mitigation measures. It is unclear from the initial study which scenic vistas would be impacted, but stated that the Landfill is visible from various areas within the cities of San Clemente and San Juan Capistrano. The City contains several significant ridgelines with identified scenic vistas. If not already analyzed in EIR No. 575, the City requests that OCW&R incorporate the scenic vistas shown on the attached Figure NR-1: Aesthetic Resources, to confirm whether impacts have been evaluated and mitigation provided to the extent that the impact can be appropriately mitigated.

Additionally, with regards to Aesthetics 4.1(d) of the Initial Study, it appears that new operations related to the proposed SSO recycling facility would introduce new sources of light and glare to the Project site. The language also notes that the new source is not "anticipated" to result in substantial light or glare and that "minimal" nighttime lighting would be required. Although it's stated that the impacts would be similar to the Final EIR No. 575, the City would request that this be confirmed through a photometric analysis or other CEQA acceptable method so a more conclusive finding can be made.

Wildfire:

With regards to Section 4.7(g), Hazards and Hazardous Materials, the Initial Study states that the proposed project would have a Less Than Significant Impact with Mitigation Incorporated as it relates to its potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The concern for wildfire potential is a significant issue for the City and its citizens.

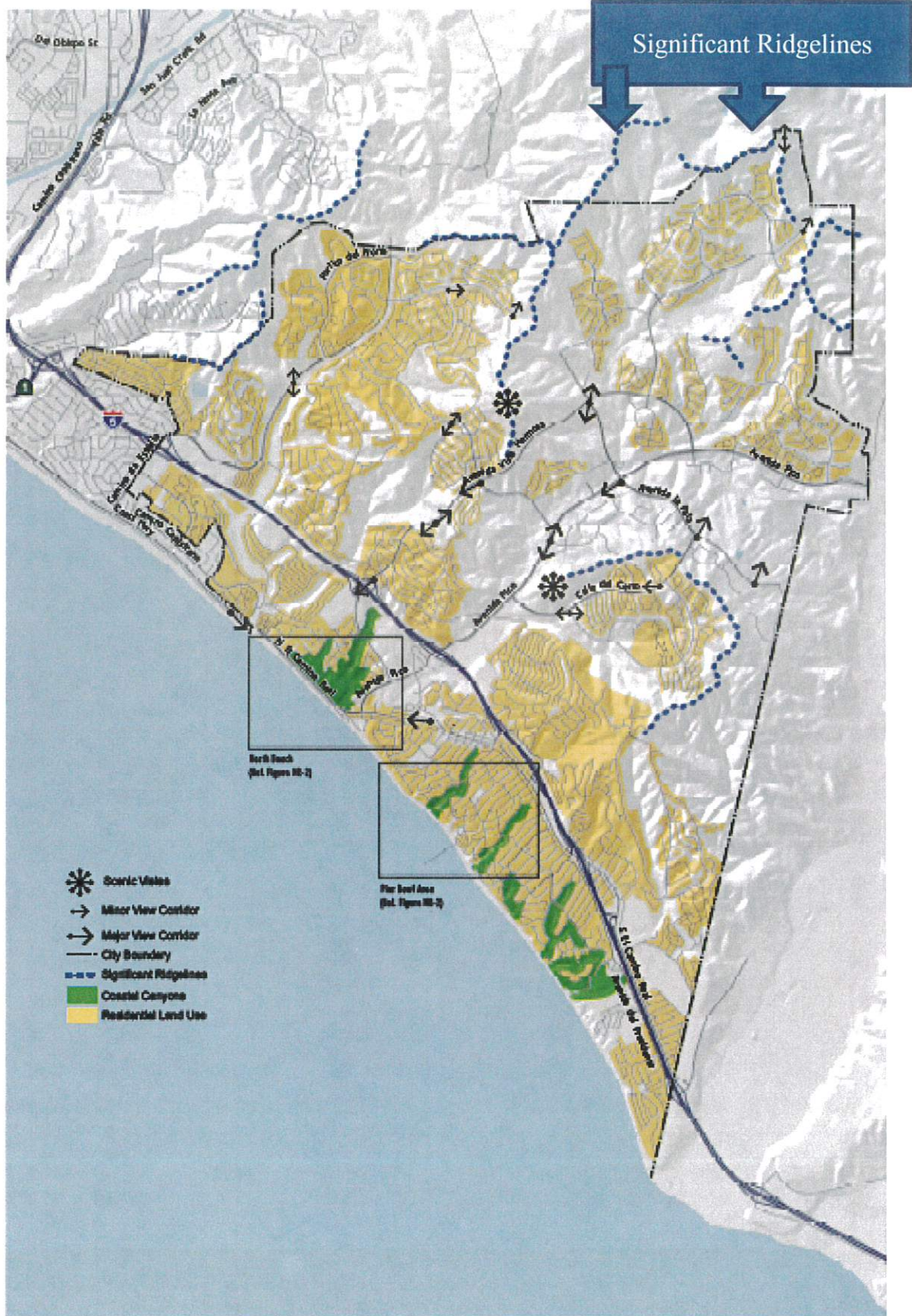
A statement is provided that "potential impacts from wildland fires were already analyzed in Final EIR No. 575, and the proposed Project would not result in any new significant impacts or more severe impacts from wildland fires beyond what was previously analyzed in Final EIR No. 575 since all areas of the proposed Project fall within the Landfill development areas previously analyzed in Final EIR No. 575; therefore, no new or additional mitigation is required." Again, the City recommends providing additional discussion and/or justification regarding statements for "no impact" or "less than significant with Mitigation Measures Incorporated" for ease of review by both the City and general public. The SEIR should also include an analysis of the previous mitigation measures and demonstrate that they are adequate for mitigating wildfire potential, therefore substantiating a determination of a less than significant impact with mitigation incorporated finding.

Thank you for your consideration of these comments and we look forward to receiving the future Notice of Availability for the SEIR.

Sincerely,



David Rebensdorf
Public Works and Utilities Director



Map is based on City of San Clemente's Mid-Century Modernist Planning Study, 2010. City of San Clemente is not responsible for the accuracy of the information shown on this map. For more information, please refer to the specific plan.

Figure NR-1
AESTHETIC RESOURCES

