

**EL SOBRANTE LANDFILL  
ADMINISTRATIVE REVIEW COMMITTEE MEETING**

**AGENDA**

**August 18, 2022**

**Time 10:00 A.M.**

**Location: Teleconference**

**Call-in: 951-465-8390**

**Phone Conference ID: 277 909 508#**

Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the ADMINISTRATIVE REVIEW COMMITTEE (ARC) meeting includes teleconference participation by all of the ARC Members. PLEASE NOTE THAT NO IN PERSON LOCATION IS AVAILABLE FOR THIS MEETING.

Public attendees requesting to speak on an item or during Public Comment may do so during the teleconference. Additionally, comments may be provided for the ARC meeting by emailing staff at [rmross@rivco.org](mailto:rmross@rivco.org)

**I. CALL TO ORDER AND INTRODUCTIONS**

**II. RESOLUTION NO. 2022-02**

**A. Adopt Resolution No. 2022-02, a Resolution of the Administrative Review Committee for the El Sobrante Landfill Authorizing the Virtual Committee Meetings Pursuant to AB 361.**

**III. APPROVAL OF July 7, 2022 MINUTES**

**IV. DISCUSSION ITEMS**

**A. Landfill Update**

**a. General Site Operations**

**V. ACTION ITEMS**

**A. Conformance Finding for the 2021 El Sobrante Annual Report**

**VI. PUBLIC COMMENTS** (Individuals desiring to speak to the Administrative Review Committee will be limited to a maximum of three minutes)

**VII. COMMENTS FROM COMMITTEE MEMBERS**

**VIII. NEXT MEETING DATE**

**IX. ADJOURNMENT**

**RESOLUTION NUMBER 2022-02**

**A RESOLUTION OF THE ADMINISTRATIVE REVIEW COMMITTEE  
FOR THE EL SOBRANTE LANDFILL AUTHORIZING VIRTUAL  
COMMITTEE MEETINGS PURSUANT TO AB 361**

**WHEREAS**, on September 1, 1998, the Administrative Review Committee (ARC) for the El Sobrante Landfill was established pursuant to the Second El Sobrante Landfill Agreement (Agreement), between the County of Riverside and USA Waste of California; and

**WHEREAS**, the ARC was created to assure that the construction and operation of the El Sobrante Landfill complies with and meets the public purposes contemplated the Agreement; and

**WHEREAS**, the ARC meeting is open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the meeting; and

**WHEREAS**, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

**WHEREAS**, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

**WHEREAS**, pursuant to the Governor's executive orders, the ARC has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, staff, and ARC members; and

**WHEREAS**, the Governor's executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

**WHEREAS**, on September 16, 2021, the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist, specifically, a state of emergency has been proclaimed related to COVID-19 and state or local officials are recommending measures to promote social distancing.

**NOW THEREFORE, BE IT RESOLVED** by the ARC as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Findings. Consistent with the provisions of Government Code Section 54953(e), the ARC finds and determines that (1) a state of emergency related to COVID-19 is currently in effect and (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19.

Section 3. Remote Teleconference Meetings. Based on the findings and determinations included herein, the ARC is authorized to conduct remote teleconference meetings under the provisions of Government Code Section 54953(e) and shall provide public access to their meetings as provided in Section 54953(e).

Section 4. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless extended by a majority vote of the ARC in accordance with Section 5 of this Resolution.

Section 5. Extension by Motion; Supersede. The ARC may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3). Any such extension may be made before or after the expiration of the preceding 30-day period.

Section 6. Full and Fair Access. In making the findings included herein, the ARC specifically relies on Section 8(b) of Statutes 2021, c.165 (AB 361, § 3, effective September 16, 2021) which provides as follows:

- (b) The Legislature finds and declares that [the changes made by AB 361 to] Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:
  - (1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

**PASSED AND ADOPTED** by the ARC on August 18, 2022.

**ARC Members:**

\_\_\_\_\_  
Hans Kernkamp  
Waste Resources

\_\_\_\_\_  
Rania Odenbaugh  
Executive Office

\_\_\_\_\_  
Jose Merlan  
Planning Department

Approved as to form:



8/8/22

\_\_\_\_\_  
Aaron Gettis  
County Counsel

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

**El Sobrante Landfill  
Administrative Review Committee  
Minutes  
July 7, 2022**

The following were present:

**MEMBERS**

Jose Merlan  
Hans Kernkamp

**REPRESENTING**

TLMA/Planning  
Dept. of Waste Resources

**STAFF**

Aaron Gettis  
Sandi Salas  
Greg Reyes  
Lizbet Limon  
Ryan Ross  
Kinika Hesterly  
Diane Sloan

**REPRESENTING**

County Counsel  
Environmental Health  
Environmental Health  
BOS 1<sup>st</sup> District  
Dept. of Waste Resources  
Dept. of Waste Resources  
Dept. of Waste Resources

**WMI/USA WASTE**

David Meyer      USA Waste  
Art Marquez      USA Waste  
Linda Lockhart   USA Waste

**INTERESTED PARTIES**

Jerry Sincich      Resident  
Tracy Davis        Resident

**AGENDA ITEM I: CALL TO ORDER AND INTRODUCTIONS**

Jose Merlan represents TLMA- Planning on the ARC. He replaced Steven Jones.

Hans Kernkamp made a motion to take items on the agenda out of order. Item IV (a)- Adoption of Resolution 2022-01 was moved to Item 2 on the agenda. Motion passed 2-0.

**AGENDA ITEM 2: Adopt Resolution No. 2022-01**

- A. Adopt Resolution No. 2022-01, a Resolution of the Administrative Review Committee for the El Sobrante Landfill Authorizing the Virtual Committee Meetings Pursuant to AB 361.**

Hans Kernkamp made a motion to approve Resolution 2022-01. Motion passed 2-0.

**AGENDA ITEM III: APPROVAL OF September 8, 2021 MINUTES**

Since Jose Merlan is new to the ARC, and Hans Kernkamp was the only ARC member at the September 8, 2021 meeting, the meeting minutes are unable to be approved. Hans Kernkamp directed staff to file the meeting minutes.

## **AGENDA ITEM IV: DISCUSSION ITEMS**

### **A. Landfill Update**

#### **General Site Operations**

David Meyer reported:

Filling in Phase 13A started on June 13, 2022. By the end of July 2022 filling is slated to stop in Phase 12 and will solely be in Phase 13.

Hans Kernkamp and David Myer discussed slope irrigation management on slopes visible from the freeway. More in depth discussion will take place at the COC meeting on July 13, 2022.

No violations were received at El Sobrante so far in 2022.

## **ACTION ITEM V**

### **B. Review the Draft 2021 El Sobrante Annual Report**

Ryan Ross reported:

The 2021 El Sobrante Annual Report was prepared by USA Waste then reviewed by Waste Resources staff, LEA, and Planning. Waste Resources staff consulted with AQMD and the Waterboard. A redline version and a clean version are included in the report. Comments will be submitted to USA Waste and will then go before the COC.

Ryan Ross and Jose Merlan discussed the Mitigation Trust Fund and transportation mitigation measures.

## **AGENDA ITEM VI: PUBLIC COMMENTS**

Jerry Sincich inquired about the traffic control plan.

Jerry Sincich inquired about how the LEA handles out of County Waste and what the criteria is. Ryan Ross and Sandi Salas from LEA discussed the process.

Tracy Davis inquired about landfill fire reports. Linda Lockhart reported that notification of the fire was sent to AQMD, LEA and the Waterboard. The public was also notified. Ryan Ross asked Art Marquez to include information about the fire in the WMI updates in the quarterly COC newsletter.

## **AGENDA ITEM VII: COMMITTEE COMMENTS**

Hans Kernkamp thanked everyone for their hard work preparing the 2021 Annual Report.

## **AGENDA ITEM VIII: NEXT MEETING DATE**

TBD

## **AGENDA ITEM IX: ADJOURNMENT**

Hans Kernkamp moved to adjourn the meeting. Jose Merlan seconded. Meeting adjourned at 10:30 am.

# Staff Report

## El Sobrante Landfill

## 2021 Annual Report

Prepared By:



August 2022

## Introduction

The Riverside County Department of Waste Resources (RCDWR) is responsible for the monitoring and implementation of both the El Sobrante Landfill Mitigation Monitoring Plan (MMP), as well as the First Amended and Restated Second El Sobrante Landfill Agreement (Landfill Agreement), between the County of Riverside and USA Waste of California (USA Waste), a subsidiary of Waste Management Inc. (WMI). USA Waste/WMI is required to provide an annual report documenting their efforts in complying with the mitigation measures and conditions of approval, as identified in the MMP and Landfill Agreement.

The 2021 El Sobrante Landfill Annual Report consists of the following:

1) Annual Monitoring Report

- Provides annual updates for the items listed on Exhibit “D” of the Landfill Agreement, which include, but are not limited to, topics such as in-County and out-of-County tonnage, complaints, pending litigation, hours of operation, and facility permits.

2) Conditions of Approval Status Report

- Documents compliance with the Riverside County Board of Supervisors and Riverside County Transportation Department’s Conditions of Approval imposed on USA Waste/WMI during the 1998 Landfill Expansion Project.

3) Mitigation Monitoring Program (MMP) Status Report

- Documents compliance with the adopted mitigation measures.

## Review Process for 2021 Annual Report

In late April 2022, USA Waste/WMI provided RCDWR with the initial draft of the Annual Report. Upon RCDWR and Local Enforcement Agency (LEA) review, the reports were presented to the Administrative Review Committee (ARC) on July 7, 2022, and to the Citizens Oversight Committee (COC) on July 13, 2022. Comments on the Annual Reports not immediately addressed during the ARC or COC meetings are shown in Attachment A (along with responses).

The Annual Report was finalized in August 2022.

## RCDWR Recommendations

Upon review of the reports, RCDWR offers the following comments/recommendations:

1. 2021 Annual Monitoring Report

ARC, COC, and staff comments/edits were addressed. **USA Waste/WMI in compliance for 2021 reporting period.**

2. 2021 Conditions of Approval Status Report

ARC, COC, and staff comments/edits were addressed. **USA Waste/WMI in compliance for 2021 reporting period.**

3. 2021 Mitigation Monitoring Program Status Report

For 2021, USA Waste/WMI has submitted the required reports and documentation where applicable, to the agencies responsible for implementation/monitoring of the conditions and mitigation measures in accordance with the approved MMP. **USA Waste/WMI is in compliance for the 2021 reporting period, noting substantial compliance for Mitigation Measure T-3.**

### **T-3 Substantial Compliance**

A detailed analysis of truck traffic data relating to Measure T-3 was performed by RCDWR. The analysis assumed all trucks that potentially could use SR91 during the peak hours did so, thus representing a conservative approach in assuming ten (10) am peak hour trucks and three (3) pm peak hour trucks. The potential for 13 daily peak hour trips is substantially below the impact thresholds identified in the SR91 Peak Hour Analysis (Webb Associates, 2015/16). Therefore, based on the negligible trucks potentially traveling on SR91 during the peak hours (as identified in the EIR), along with the additional steps WMI has implemented to reduce peak hour trips (as identified in the Peak Hour Truck Reduction Program- stronger contract language, outreach to vendors, GPS program for WMI trucks, etc.), substantial compliance with the mitigation measure was met for 2021.



## Attachment A

### Comments on the Draft 2021 El Sobrante Landfill Annual Report

#### **Condition of Approval Report**

1. [COC] Riverside County Condition of Approval #15a – Questioned why the balance of the Environmental Impairment Account was less in 2021 than in 2020.

*RCDWR Response: At the end of 2021, the Environmental Impairment Account had a balance of \$3,188,017.80. This is roughly \$2,300 less than the ending balance for 2020 (\$3,190,307). The difference is likely due to changing market conditions and account management fees. The 2021 balance still exceeds the required cap of \$3,098,631.26.*

#### **Mitigation Monitoring Program Status Report**

2. [COC] AQ-13: Was the 2021 decrease in projected emissions based on increased use of alternative fueled vehicles?

*RCDWR Response: Both the 2020 and 2021 AQ-13 Report included the same number of alternative fuel vehicles. The difference from the 2020 and 2021 projected emissions is due to a decrease in daily tonnage estimation for the 2021 reporting year. In 2021, 10,960 tons per day (tpd) was used in emission calculations, while in 2020, 11,575 tpd was used. In short, emissions were less in 2021 due to a decreased tonnage estimation (therefore less vehicle trips). The reported average daily tonnage received in 2021 was 10,749.*

3. [COC] B-3: Review the response and make sure the data for salvaged Dudleya is accurate for the 2021 reporting period.

*USA Waste/WMI Response: The response to B-3 was revised in the Final report. Additional clarification was added to the final report. The total number of mitigation dudleya's in 2021 remains at 8,660.*

4. [COC] T-3: Provide information on what happens to drivers who violate this mitigation measure.

*USA Waste/WMI Response: WM and/or third party hauling operations are notified of the violation and a request is made to correct the behavior, with repeat violations by a driver resulting in disciplinary action up to and including refusal of entry to the site.*

# **2021 El Sobrante Landfill Annual Report**

**Annual Monitoring Report**

**Conditions of Approval Status Report**

**Mitigation Monitoring Program Status Report**

# **El Sobrante Landfill Annual Monitoring Report**

**Reporting Period:**

**January 1, 2021, through December 31, 2021**

**Prepared By:**

**USA Waste of California, Inc.**

**Draft June 2022  
Final August 2022**

## Introduction

The El Sobrante Landfill Annual Monitoring Report (AMR) for the period covering January 1, 2021 through December 31, 2021 has been prepared by USA Waste of California (USA Waste), a subsidiary of Waste Management Inc. (WM), for the County of Riverside in compliance with the First Amended and Restated Second El Sobrante Landfill Agreement (Second Agreement), inclusive of any Amendments. Exhibit "D" of the Second Agreement requires submission of the AMR (see attached). Section 13.2 of the Second Agreement requires submittal of the Mitigation Monitoring Program (MMP) reports to the Administrative Review Committee (ARC). In addition, the ARC can request additional information regarding USA Waste's performance. The Riverside County Department of Waste Resources (RCDWR) has requested that USA Waste prepare a third report, a Conditions of Approval (COA) report. RCDWR has advised that all three reports will form an Annual Status Report (ASR). In preparing the COA report, USA Waste noted that there was substantial overlap between the Conditions of Approval and Mitigation Measures, and that some of the Conditions of Approval address construction activities that were completed many years ago. As a result, preparation of a COA report in future years might not provide useful information to the ARC. The ASR is to be first reviewed by the ARC, a committee comprised of representation from the County's Planning Department, RCDWR, and the County Executive Office, and then submitted to the Citizen Oversight Committee (COC), a committee formed in 2003 pursuant to Condition of Approval No. 14.a. (Exhibit "F" of the Second Agreement). Condition of Approval No. 14.b. requires the COC to meet at least once annually to review the ASR, as submitted by the ARC.

## Landfill History

The El Sobrante Landfill is an existing municipal solid waste landfill, located at 10910 Dawson Canyon Road, east of Interstate 15 and Temescal Canyon Road, approximately seven (7) miles southeast of the City of Corona in Temescal Valley, unincorporated Riverside County. The landfill, which is owned and operated by USA Waste of California, started disposal operations in 1986. From 1986 to 1998, the landfill was operated pursuant to the original El Sobrante Landfill Agreement and its Amendments and one Addendum. On September 1, 1998, the Riverside County Board of Supervisors (BOS) approved the El Sobrante Landfill Expansion Project, a vertical and lateral expansion of the landfill, and entered into the Second Agreement, which became effective on September 17, 1998. The Second Agreement represents a public/private relationship between the owner/operator of the landfill and the County of Riverside and provides for the RCDWR to operate the landfill gate, to set the County rate for disposal at the gate with BOS approval, and to operate the Hazardous Waste Inspection Program.

The specific actions taken by the BOS on September 1, 1998 included the following:

- Adoption of Resolution No. 98-275, certifying the Environmental Impact Report (EIR), consisting of the Draft EIR (dated April 1994), the Final EIR (dated April 1996), and the Update to the Final EIR (dated July 1998).
- Adoption of Resolution No. 98-276, approving the El Sobrante Landfill Expansion Project and the Second El Sobrante Landfill Agreement, adopting Conditions of Approval and a Mitigation Monitoring Program (MMP) and making Findings of Fact.

The El Sobrante Landfill Expansion Project, for which the EIR (circulated under SCH No. 1990020076) was certified, included the following major elements:

- An increase in landfill disposal capacity to approximately 196.11 million cubic yards or approximately 109 million tons of municipal solid waste.

- An increase in the daily disposal capacity up to 10,000 tons.
- An increase in the landfill area to a total of 1,322 acres.
- An increase in the landfill footprint to 495 acres.
- An increase in the hours of operation, allowing 24-hour continuous operations, 7 days a week, for non-waste functions (i.e., application of daily cover, stockpiling of daily cover, site maintenance, grading, and vehicle maintenance) and allowing disposal operations from 4:00 AM to Midnight.

Pursuant to the Second Agreement, the “Start Date” for the El Sobrante Landfill Expansion Project and the terms of the Second Agreement was the date upon which all necessary approvals and/or permits were obtained. The following were considered the final approval/permits needed to trigger the “Start Date”:

- Issuance of Waste Discharge Requirements (WDRs) Order No. 01-53 from the Regional Water Quality Control Board (RWQCB), Santa Ana Region on July 21, 2001.
- Issuance of Solid Waste Facility Permit (SWFP) No. 33-AA-0217 from the Riverside County Environmental Health Department, Local Enforcement Agency (LEA) on August 6, 2001, following concurrence from the California Integrated Waste Management Board (CIWMB).

The Second Agreement has since been amended four times:

The First Amendment, approved by the BOS on July 1, 2003, amended the scope of the Expansion Project to allow the landfill operator to grind green waste for Alternative Daily Cover (ADC) and to add facilities to convert landfill gas to electricity.

The Second Amendment, approved by the BOS in March 2007, allowed USA Waste to pursue the necessary approvals/permits to again amend the scope of the Expansion Project. Subject to further environmental review in compliance with the California Environmental Quality Act (CEQA) and BOS approval, the Second Amendment allowed for acceptance of waste material for disposal over a continuous 24-hour period and for the maximum daily capacity of 10,000 tons to be changed to a weekly disposal capacity of 70,000 tons. On March 31, 2009, the BOS adopted Resolution No. 2009-093, approving the revision to the landfill’s SWFP to allow the operational changes in the Second Amendment, certifying the Supplemental EIR (SCH #2007081054), and approving the corresponding MMP. The LEA later issued a revision to SWFP #33-AA-0217 on September 9, 2009, with concurrence from the CIWMB on August 18, 2009, which allowed for the operational changes in the Second Amendment (i.e., 70,000 tons per week, not exceeding 16,054 tons per day, and continuous 24-hour disposal) to be implemented on August 31, 2009.

In addition to revising some definitions in the Second Agreement to maintain consistency with environmental documents, the Third Amendment, considered by the COC on November 26, 2012 and approved by the BOS on December 18, 2012, modified the hours allowed for existing and future excavation and liner construction activities in new landfill cells from 8:00 a.m. to 5:00 p.m., Monday through Saturday, to 7:00 a.m. to 10:00 p.m., Monday through Saturday, restricting the conveyor belt from being located within 295 feet of occupied residences and limiting hours for excavation and liner construction within 10 feet of the top of slope.

The Fourth Amendment, approved by the BOS on April 7, 2015 amended the scope of the Expansion Project to set forth additional requirements for the receipt of cement treated non-hazardous incinerator ash, and modify the closure/post-closure financial assurance requirements.

In 2018, USA Waste and RCDWR worked together to create the First Amended and Restated Second Agreement approved by the BOS on July 17, 2018. The primary intent of the new

agreement was to consolidate and combine the Second Agreement and its four amendments into a single document. This agreement also incorporated Ponds 3 and 4, as well as the new maintenance facility, into the landfill's permitted disturbance limits.

## Overview of Calendar Year 2021

### 2021 Permits/Approvals

In 2021, building permits were issued by Riverside County for construction of the new landfill gas flare (No. 4).

### 2021 Changes in Landfill Expansion Project Plan

The El Sobrante Landfill continues to be developed in overall accordance with the Expansion Project first approved by the BOS in 1998 and with its SWFP and corresponding JTD, last revised in 2018. There were no changes in the Landfill Expansion Project Plan during 2021.

### 2021 Landfill Activities

In 2021, the active areas for waste disposal operations continued in Phase 12.

Improvements to the Gas Collection and Control System (GCCS) were conducted in 2021. Details of these GCCS related construction activities are provided below.

- Decommissioned 1 LFG well and brought 77 new LFG extraction wells online for a total of 392 active LFG wells
- Raised over 10 LFG extraction and SVE wells to accommodate the recent lifts of waste and improve extraction in the older phases
- Replaced various wellheads and added approximately 21,000 feet of high-density polyethylene (HDPE) conveyance piping
- Completed construction and startup of a second Zink Ultra Low Emission Flare

### 2021 Days and Hours of Operation

In 2021, the El Sobrante Landfill received waste tonnage on 309 days. Excluding County holidays, the landfill was open six (6) days a week, Monday through Saturday, and closed on Sunday. The landfill, which has 24-hour disposal operations, was open from 4:00 AM on Monday to 6:00 PM on Saturday. The landfill was open to commercial haulers and the general public in accordance with the following schedule:

#### Days/Hours for Commercial Haulers

- Open six (6) days a week, Monday through Saturday
- Hours = 4:00 AM on Monday through 6:00 PM on Saturday

#### Days/Hours for General Public

- Open six (6) days a week, Monday through Saturday
- Hours = 6:00 AM through 6:00 PM daily

### 2021 Disposal Volumes

During calendar year 2021, a total of 3,321,314.51 tons of municipal solid waste was disposed at the El Sobrante Landfill. Of this amount, 1,146,960.97 tons originated from Riverside County sources, and 2,174,353.54 tons originated from out-of-County sources. El Sobrante received 100,977.84 tons of Alternative Daily Cover in the form of cement treated incinerator ash.

Based on 309 working days, an average of 10,749 (rounded to nearest whole number) tons of waste were received at the landfill on a daily basis in 2021.

### **Landfill Capacity Used in 2021 and Landfill's Remaining Capacity at End of 2021**

Landfill capacity is closely monitored by the Engineering Department at El Sobrante Landfill to ensure that the landfill's operational efficiency is meeting WM and community expectations. On an annual basis, an aerial survey company flies the entire landfill, and aerial topographic maps are prepared to calculate the remaining airspace or capacity of the landfill by comparing the existing landfill topography to the expected final landfill topography. To evaluate the compaction efficiency or density of the waste material in the landfill, an Airspace Utilization Factor (AUF) is used. The 2021 AUF of 0.83 (tons of waste per cubic yard of landfill airspace) is recorded as the total waste disposed within a known volume of landfill airspace in a given period of time. The AUF takes into account such factors as the use of ADC and soil cover, waste settlement, and waste composition.

The ASR reported 128,616,066 tons remaining at the end of 2020 less the 3,422,292.35 (includes cement treated incinerator ash ADC) tons from 2021 yields 125,193,774 tons remaining at the end of 2021. At the current rate this equates to approximately 35 years of site life remaining.

### **Origin of Non-County Waste Disposal Volume in 2021**

Non-County waste received at the El Sobrante Landfill must be delivered in transfer trucks, or transfer-like trucks to mitigate traffic impacts. A transfer-like truck is one that transports a volume of waste to the landfill similar in size and weight to a transfer truck. The landfill operator and RCDWR have reached an agreement as to which types of vehicles are to be considered a transfer truck for purposes of this requirement, along with a plan to minimize deliveries of non-contracted out of County waste in non-conforming vehicle types.

During 2021, non-county waste was primarily delivered to the El Sobrante Landfill from the facilities identified below. The LEA inspects these facilities twice a year.

- Azusa Material Recovery Facility, Waste Transfer Station, Azusa, CA
- Carson Transfer Station, Carson, CA
- CLARTS (Central Los Angeles Recycling & Transfer Station), Los Angeles, CA
- CRR Colton
- EDCO Fallbrook
- Agua Mansa- Burrtec
- Allan Company
- Strategic Materials – Commerce
- Strategic Materials – Vernon
- Grand Central Recycling and Transfer Station, City of Industry, CA
- El Cajon Transfer Station, El Cajon, CA
- Palomar Transfer Station, Palomar, CA
- Downey Area Recycling & Transfer (DART)
- Orange Transfer Station
- Southgate Transfer Station, Southgate, CA
- West Valley Transfer Station, Fontana, CA
- Republic Services Los Angeles Area Transfer Stations
  - American Waste Transfer Station,



- Bel-Art Transfer Station
- Compton Transfer Station, East Los Angeles Recycling & Transfer Station
- Falcon Transfer Station
- Innovative Waste Control TS

During calendar year 2021, out-of-County communities that delivered more than 1,000 tons of municipal solid waste to the El Sobrante Landfill are listed in Exhibit 1, and out-of-County communities that delivered 10 tons to less than 1,000 tons are shown on Exhibit 2.

### **Projected Waste in 2022**

In 2022, it is projected that the disposal tonnage will increase slightly from 2021, with total disposal tonnage expected to be in the range of 3,310,000 tons. Of this amount, the in-County disposal tonnage for 2022 is projected to be approximately 1,000,000 tons, while out-of-County tonnage is expected to be in the range of 2,310,000 tons.

### **Closure/Post Closure Trust**

A Surety Bond meeting the requirements of Title 27, California Code of Regulations, section 22244, is in place to provide and maintain financial assurance for Closure/Post Closure maintenance.

### **Local Mitigation Trust Account**

The Local Mitigation Trust, created pursuant the Second Agreement with a deposit of \$150,000 by USA Waste, is for mitigation projects in the local areas surrounding the landfill as recommended by the COC. In 2004, the COC recommended that the entire Local Mitigation Fund be utilized for County efforts to cleanup illegal dumping in the Temescal Valley area along the I-15 corridor from El Cerrito Road south to Lake Street. The BOS approved the COC recommendation on October 19, 2004. At the end of 2008, approximately one-half of the Trust Account had been used in this effort. In 2009, working collaboratively with the County's Code Enforcement Department, the COC recommended that an allocation not to exceed \$10,000 be used toward implementing the Clean Money Youth-Based Fundraising Program (Program) in the First and Second Supervisorial Districts. The BOS approved this recommendation on September 1, 2009, as well as an additional \$10,000 allocation for the Program in 2011. Since the inception of the Program in 2009, approximately 30 cleanup events took place within Temescal Valley, generating over \$15,000 for participating local youth based programs/groups. In 2021, no clean money events took place, and approximately \$4,700 remains available for cleanup events should the need arise. At the end of 2021, the Local Mitigation Trust Account had a balance of approximately \$77,000.

### **General Liability Insurance**

The Certificate of Insurance is an attachment to the AMR.

### **Regulatory Agency Issues**

During 2021, the El Sobrante Landfill was regularly inspected by regulatory agencies, which include the LEA, CalRecycle, the SARWQCB, and the SCAQMD. On March 3, 2021, the LEA (along with CalRecycle) issued a violation for gas monitoring and control as part of the agencies

inspection on 2/22/21. This issue continued and additional violations were issued on 3/15/21, 4/27/21, and 5/26/21. After tuning the flares, adding addition wells, and SVE wells, the gas well 24 was below the methane limit of 5%. Areas of Concern related to Alternative Daily Cover (ADC) were issued on 3/22/21 and on 4/26/21. El Sobrante Landfill purchased new tarps and increased the waste ash as ADC to cover the active face.

On August 30, 2021, the LEA issued a violation for exceeding the permitted traffic volume of 1,305 vehicles per day on 6/1/21. The landfill scale system is operated by Riverside County Department of Waste Resources (DWR). El Sobrante Landfill and DWR immediately placed a notification (via email) and ticket stop point at 1,305 within the County's system TIDES to prevent re-occurrence. On January 28, 2022, SCAQMD issued a violation for allegedly failing to operate the GCCS at all times and failing to report any breakdowns (date of violation on June 1, 2021). El Sobrante Landfill staff notified SCAQMD of any shutdowns (over an hour) by calling the 1-800-CUT-SMOG. The 500N form is also submitted within 7-days via email and hard copy by mail to SCAQMD.

### **Pending Litigation**

There was no pending litigation against the El Sobrante Landfill in 2021.

**Exhibit 1 - Out-of-County communities that delivered more than 1,000 tons during 2021**

<b>JURISDICTION</b>	<b>TONS</b>	<b>JURISDICTION</b>	<b>TONS</b>
LAGUNA BEACH	1,008	AZUSA	5,966
BRADBURY	1,009	SANTA ANA	6,069
CYPRESS	1,069	WHITTIER	6,462
MAYWOOD	1,070	WEST COVINA	6,938
YUCCA VALLEY	1,077	INGLEWOOD	7,149
DOWNEY	1,091	LYNWOOD	7,168
APPLE VALLEY	1,103	LOMITA	7,509
TUSTIN	1,153	ANAHEIM	7,928
YUCAIPA	1,173	FULLERTON	8,169
LOS ALAMITOS	1,174	EL SEGUNDO	8,247
ORANGE UNINCORPORATED	1,202	GARDENA	8,341
ORANGE	1,389	ROLLING HILLS ESTATES	8,621
CHINO HILLS	1,416	REDLANDS	9,201
SANTA CLARITA	1,449	HUNTINGTON BEACH	9,624
FOUNTAIN VALLEY	1,513	EL CAJON	11,197
POWAY	1,516	VISTA	11,239
HIGHLAND	1,528	COMMERCE	12,615
BUENA PARK	1,544	SAN BERNARDINO	13,891
REDONDO BEACH	1,738	COVINA	14,334
BURBANK	1,751	MONTCLAIR	15,617
ENCINITAS	1,766	WALNUT	15,736
SAN MARCOS	1,904	PASADENA	16,707
YORBA LINDA	1,946	SAN BERNARDINO	17,719
VICTORVILLE	1,946	COMPTON	17,744
MISSION VIEJO	2,098	DUARTE	19,346
GLENDORA	2,189	VERNON	19,530
RANCHO PALOS VERDES	2,235	MANHATTAN BEACH	20,314
SANTA BARBARA UNINCORPORATED	2,493	LONG BEACH	21,752
SANTEE	2,681	LA VERNE	22,155
IRWINDALE	2,960	FONTANA	22,398
GARDEN GROVE	3,048	CARSON	23,799
CLAREMONT	3,537	DIAMOND BAR	24,227
ESCONDIDO	3,867	SAN DIMAS	26,607
RIALTO	3,937	LA PUENTE	30,071
IRVINE	4,077	TORRANCE	32,087
COLTON	4,343	UPLAND	34,684
CARLSBAD	4,423	ARCADIA	40,654
BELL GARDENS	4,456	OCEANSIDE	44,245
MONROVIA	4,642	EL MONTE	49,014
HAWTHORNE	5,013	INDUSTRY	50,891
SANTA FE SPRINGS	5,431	POMONA	50,936

<b><u>JURISDICTION</u></b>	<b><u>TONS</u></b>
BALDWIN PARK	56,531
SOUTH GATE	80,372
RANCHO CUCAMONGA	91,226
CHINO	101,533
SAN DIEGO UNINCORPORATED	107,922
SAN DIEGO	130,362
LOS ANGELES UNINCORPORATED	155,401
LOS ANGELES	253,976
ONTARIO	275,908

**Exhibit 2 - Out-of-County communities that delivered between 10 to 1,000 tons during 2021**

<b>JURISDICTION</b>	<b>TONS</b>	<b>JURISDICTION</b>	<b>TONS</b>
TEHACHAPI	10	SANTA CLARA	196
LAGUNA HILLS	11	WEST HOLLYWOOD	198
HIDDEN HILLS	12	GLENDALE	202
RANCHO SANTA MARGARITA	12	LA HABRA HEIGHTS	214
EL CENTRO	15	LAGUNA NIGUEL	218
LOMPOC	17	NORWALK	227
KERN UNINCORPORATED	21	NATIONAL CITY	234
AMADOR COUNTY	22	HERMOSA BEACH	241
WEST VALLEY MRF	23	WESTMINISTER	251
SAN JUAN CAPISTRANO	24	LA MIRADA	259
HAWAIIN GARDENS	25	THOUSAND OAKS	260
WEST VILLAGE	33	SAN CLEMENTE	261
SANTA MARIA	34	LA CANADA FLINTRIDGE	262
IMPERIAL	35	SAN FERNANDO	265
SAN FRANCISCO	37	SIMI VALLEY	267
BISHOP	45	MONTERREY PARK	274
STANTON	50	GRAND TERRACE	280
ARTESIA	55	CHULA VISTA	281
AVALON	55	SOUTH EL MONTE	284
CALIFORNIA CITY	58	LAGUNA WOODS	300
AGOURA HILLS	60	LANCASTER	300
SAN MARINO	67	LA MESA	307
MOORPARK	73	BIG BEAR LAKE	312
SIERRA MADRE	75	MALIBU	314
MAMMOTH LAKES	82	BEVERLY HILLS	340
ROLLING HILLS	97	LOMA LINDA	351
CORONADO	102	VILLA PARK	362
LEMON GROVE	103	BARSTOW	362
IMPERIAL BEACH	111	DE MAR	380
CALABASAS	116	PALMDALE	391
SEAL BEACH	132	LAKE FOREST	414
OJAI	143	HUNTINGTON PARK	428
RIDGECREST	146	COSTA MESA	440
LA PALMA	152	BELLFLOWER	453
PARAMOUNT	152	CAMARILLO	467
SIGNAL HILL	156	ALHAMBRA	487
IMPERIAL UNINCORPORATED	174	TWENTY-NINE PALMS	489
CARPINTERIA	175	NEWPORT BEACH	546
CULVER CITY	182	ADELANTO	591

<b><u>JURISDICTION</u></b>	<b><u>TONS</u></b>
PALOS VERDES ESTATES	604
HESPERIA	625
PICO RIVERA	629
VENTURA (SAN BUENAVENTURA)	668
CUDAHY	673
LAWNDALE	684
MONTEBELLO	686
PLACENTIA	752
SANTA MONICA	779
TEMPLE CITY	807
LA HABRA	809
SAN GABRIEL	810
CERRITOS	847
LAKEWOOD	853
BREA	870
SOLANA BEACH	893
ROSEMEAD	895
VENTURA UNINCORPORATED	895
SANTA BARBARA	908
BELL	925

# **El Sobrante Landfill 2021 Conditions of Approval Status Report**

**Prepared By:  
USA Waste of California, Inc.**

**Draft June 2022  
Final August 2022**

## I. Transportation Department Conditions of Approval

### ***On-going Conditions of Approval:***

1. Upon permit approval, USA Waste shall immediately amend their operating plan to require all trucks hauling out of county imported waste to exclusively utilize the Temescal Canyon Road Interchange at I-15 for access to and from the landfill site.

**Status:** This condition is met. Letters are sent in February and September 2021 reminding Out of County haulers of this condition.

- 5b. Develop a program to minimize in and outbound transfer trucks during peak hours.

**Status:** This condition is met. A Peak Hour Minimization Plan was prepared in 2016 directed at minimizing in and outbound peak hour traffic. As indicated in previous reports, this plan will be periodically updated as new measures or policies are enacted. No new measures or policies were enacted in 2021 (see 2015 Annual Report appendix).

- 5c. A construction traffic control plan for offsite, public roads shall be developed to control construction-related traffic impacts during periodic construction of landfill cells to reduce construction related traffic impacts to local residents and businesses.

**Status:** This condition was met. A traffic control plan is included in the Appendix.

**Completed Conditions of Approval:** The requirements in the following conditions have been met, and no further action/review is needed. The completed conditions are shown in a gray font and are displayed for historical reference only.

2. Within 90 days of permit approval, the applicant shall pay a Traffic Signal Mitigation Fee in accordance with Riverside County Ordinance No. 748. Said fee shall be based upon industrial/per net acre. The project net acreage is 4.5 acres. The remaining acreage is not subject to mitigation at this time.

**Status:** This condition was met in 2003.

3. Within three (3) months after the Start Date, USA Waste shall commence construction of and diligently pursue the completion of the following road improvements:

- a. An additional lane in each direction on Temescal Canyon Road from I-15 Northbound on/off-ramps to the El Sobrante Access Road. The structural section of the additional lanes shall satisfy a Traffic Index of 11.5.

**Status:** This condition was met in 2003.

- b. Eight-foot paved shoulder on the west side of Temescal Canyon Road adjacent to the intersection of Temescal Canyon Road and the El Sobrante Access Road.

**Status:** This condition was met in 2003.



- c. Improvements of the intersection of Temescal Canyon Road/El Sobrante Access Road to provide the following intersection geometrics and any required widening:

- Westbound: One right turn lane and one left turn lane on the El Sobrante Access Road. This improvement to be accomplished in conjunction with the improvements to the lower portion of the El Sobrante Access Road as required by Condition No. 3d.

- Southbound: None

- Northbound: Extend existing right turn lane on Temescal Canyon Road.

**Status:** This condition was met in 2003.

- d. Improve the lower portion of the El Sobrante Access Road (from the intersection of Temescal Canyon Road to the cul-de-sac) so that it will meet a Traffic Index of 11.5, and so that it complies with Standard 106-B for improved drainage protection from the 100-year, 24-hour storm, or as approved by the Director of the County Transportation Department. The improvement of the lower portion of the Access Road shall be designed based on direction of the Riverside County Flood Control District and maximum water depth of 9 inches across the Access Road, generally as depicted in the attached exhibit -"Proposed Conceptual Access Road Improvements." Coldwater Wash Channel improvements and rock slope protection shall continue southeasterly from the access road along the entire length of Temescal Canyon Road to the Hydro- Conduit driveway as approved by the Transportation Department.

**Status:** This condition was met in 2003.

- e. The applicant shall construct the following traffic signals (these signals are over and above the Traffic Signal Mitigation Fee payment made by the applicant pursuant to County Ordinance No. 748, and are not subject to credit or reimbursement):

- Temescal Canyon Road (E/W) at:

- i. El Sobrante Access Road.

- ii. I-15 Northbound on/off ramps (as approved by Caltrans).

- iii. I-15 Southbound on/off ramps (as approved by Caltrans).

**Status:** This condition was met in 2003.

- 4. Within three (3) months after the Start Date, USA Waste or its successor-in-interest shall initiate construction and diligently pursue to completion the following road improvements at the intersections of Temescal Canyon Road with Southbound and Northbound 1-15 on/off ramps to provide the following intersection geometries, including any required widening or as approved by Caltrans and the Riverside County Transportation Department.

- Eastbound: An additional through lane on Temescal Canyon Road between Southbound and Northbound on/off-ramps.

- Westbound: An additional through lane on Temescal Canyon Road between Southbound and Northbound on/off-ramps, and one right turn lane from Temescal Canyon Road onto Northbound on-ramp.

- Southbound: One left turn lane on off-ramp.

Northbound: An additional lane on on-ramp.

**Status:** This condition was met in 2003.

5. Within 90 days following the end of calendar year in which the total tonnage of waste landfilled at El Sobrante exceeds 1,440,000 tons, USA Waste shall establish and be responsible for a Development Monitoring Program which shall include the following:
  - a. Consult with and obtain clearance from Caltrans District 8 and the South Coast Air Quality Management District to assure compliance and coordination with the Regional Mobility and Air Quality Management Plans.

**Status:** This condition was met in 2003.

## **II. Riverside County Conditions of Approval**

### ***On-going Conditions of Approval:***

1. USA WASTE OF CALIFORNIA, INC. ("USA WASTE") or its successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside, its agents, officers, and employees from any claim, action, or proceeding against the County of Riverside or its agents, officers, or employees to attack, set aside, void or annul an approval of the County of Riverside, its advisory agencies, appeal boards or legislative body concerning Environmental Impact Report for the El Sobrante Landfill Expansion Project (State Clearinghouse No. 90020076) and the Second El Sobrante Landfill Agreement. The County of Riverside will promptly notify USA WASTE or its successor-in-interest of any such claim, action, or proceeding against the County of Riverside and will cooperate fully in the defense. If the County fails to promptly notify USA WASTE or its successor-in-interest of any such claim, action, or proceeding or fails to cooperate fully in the defense, USA WASTE or its successor-in-interest shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County of Riverside.

**Status:** This condition was met for 2021; no litigation was filed challenging the approval of the County or the EIR.

2. These Conditions and those mitigation measures outlined in the EIR shall be implemented and monitored in accordance with the MMP. USA WASTE or its successor-in-interest shall comply with the MMP.

**Status:** This condition was substantially met for 2021. USA Waste has submitted the required reports and documentation where applicable, to the agencies responsible for implementation/monitoring of the conditions and mitigation measures in accordance with the approved MMP.

3. USA WASTE or its successor-in-interest shall comply with the conditions set forth in the County Transportation Department letter, dated March 27, 1998, a copy of which is set forth as a portion of Exhibit "E" of the Agreement.

**Status:** This condition was met and USA WASTE is in compliance with the County Transportation Department conditions identified in "Exhibit "E" of the Agreement.

4. The development of the El Sobrante Landfill Expansion Project shall be in accordance with the mandatory requirements of all applicable Riverside County ordinances and shall conform substantially with the project description in the EIR (State Clearinghouse No. 90020076), as filed in the office of the Riverside County Waste Management Department.

**Status:** This Condition was met in 2021 and is the same as Mitigation Measure L-1. While there have been changes over time to conceptual grades based on updated seismic stability analysis, the El Sobrante Landfill continues to be developed in overall accordance with the Expansion Project first approved by the BOS in 1998 and with its Solid Waste Facility Permit (SWFP) and corresponding Joint Technical Document (JTD), last revised in 2018. There have also been changes over time to the conceptual limits of grading for the landfill expansion project, both onsite and offsite. A revision to the grading limits was approved in 2018 as part of CEQA review and the JTD Amendment. There were no changes during 2021.

5. 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:
  - a) Such material, design, system or action complies with all applicable Federal, State, and local regulations; and,
  - b) 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,
  - c) The General Manager-Chief Engineer of the Riverside County Waste Management Department, 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.

**Status:** This condition was met as nothing required substitution in 2021.

6. 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 permitted without additional environmental review and approval.

**Status:** This condition was met in 2021. USA Waste has not contracted for the receipt of waste from counties other than the ones listed in this Condition of Approval. As the operator of the landfill scale house, RCDWR allows out of County waste to enter the landfill and is the entity responsible for jurisdictional reporting. In conversations with Riverside County staff, it is the understanding of USA Waste that it is the policy of Riverside County to allow incidental volumes of waste from any jurisdiction to be disposed of at a County facility to avoid or minimize illegal dumping.

7. Out-of-County waste from Los Angeles County, Orange County, and San Diego County shall be transported to the El Sobrante Landfill by transfer trucks, and not packer trucks.

**Status:** This condition was met in 2021. El Sobrante Landfill has maintained substantial compliance with this mitigation measure with the cooperation of RCDWR, who monitors and provides waste origin data. USA Waste's contracts for out of County waste include a requirement to comply with all applicable conditions of the First Amended and Restated Second Agreement. The RCDWR scale house attendants have the authority to reject any deliveries not in compliance with this Mitigation

Measure. RCDWR and USA Waste met in 2015 and formally agreed on the variety of specific types of trucks that define “transfer trucks” and a procedure for refusing admittance by non-conforming vehicle types.

Minor amounts of non-contracted waste from public customers or small commercial haulers may enter from time to time, as allowed by the RCDWR scale attendants.

8. Out-of-County waste from San Bernardino County may be transported to the El Sobrante Landfill by packer truck up until July 1, 2000, at which time the waste from San Bernardino County shall be transported by transfer trucks.

**Status:** This condition was met in 2021. Except as noted below, all waste deliveries from San Bernardino County in 2021 were in transfer trucks. Minor amounts from public customers or small commercial haulers may enter from time to time, as allowed by the RCDWR scale attendants.

9. a. The liner system (inclusive of the bottom liner and the side slope 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 side slope liner (identified as Side slope 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.

b. If it is determined that this liner system alternative 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 side slope liner that are at least equal to Alternative Bottom Liner B2 and Side slope Liner Alternative S2, respectively, and must be approved by the Administrative Review Committee.

**Status:** This condition was met in 2021.

10. The final cover of the landfill shall conform to Subtitle D and CCR Title 23 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 Riverside County Waste Management Department, the California Integrated Waste Management Board, Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

**Status:** This condition was met in 2021. In 2019 and into 2020 Closure Construction was performed in a 10+/- acre portion of Landfill phases 2, 3-5, and 7 on the upper two benches that are west – northwest facing. The closure consisted of constructing a four-foot section of low permeability soil over the landfill grades in that area. This closure area received seeding in the winter of 2021 and is continually maintained as a permanent closed portion of the landfill.

11. Prior to any offsite grading, USA WASTE or its successor-in-interest shall obtain and record appropriate offsite easements.

**Status:** This condition was met. Offsite grading, requiring offsite easements, was not conducted in 2021.

12. Prior to construction and construction/operation activities, the following pre-monitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:

- a. 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 that could result in the greatest property boundary concentration.
- b. 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.

**Status:** This condition was met in 2021. As part of the planning process for the construction of Phase 13A in 2020, USA Waste utilized the 2003 SCAQMD-approved CEQA Mitigation Monitoring Workplan for NO<sub>2</sub> (see Appendix). The work plan was prepared expressly to satisfy the requirements of MM AQ-11. NO<sub>2</sub> monitoring was performed in 2020 and 2021 during Phase 13A construction.

13. During construction and construction/operation activities, the following post-monitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:

- a. If monitoring determines that the 1-hour NO<sub>2</sub> standard (i.e., 470 ug/m<sup>3</sup>) is being approached (i.e., within 95 percent of the standard or approximately 450 ug/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.
- b. 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.
- c. 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).
- d. Construction scheduling will be slowed to reduce daily equipment usage.
- e. Hours of construction with designated pieces of equipment (e.g., scrapers) shall be constrained to occur outside of peak adverse meteorological conditions.

**Status:** This condition was met in 2021 as NO<sub>2</sub> monitoring did not trigger curtailing any construction activities.

14a. A Citizen Oversight Committee shall be formed by the Board of Supervisors pursuant to Board Policy A-21 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.

**Status:** This condition was met for 2021.

- 14b. The Citizen Oversight Committee shall meet at least once annually to review the Annual Status Report submitted by the Administrative Review Committee, which will include all the 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.

**Status:** This condition was met for 2021.

- 15a. USA WASTE or its successor-in-interest shall deposit 50 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 EI 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% of the change in the Consumer Price Index (CPI) starting in the year 2002.

**Status:** This condition was met in 2021. The balance of the Environmental Impairment Trust at the end of 2021 was \$3,188,017.80 The FY 21/22 cap is \$3,098,631.26.

- b. 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 Riverside County Waste Management Department. The Trustee shall be required to report quarterly to the Department on all fund activity and balances.

**Status:** This condition was met. EI Sobrante Landfill did not withdraw any funds from this Trust in 2021.

16. Except for vehicles collecting waste in the immediate vicinity of the landfill, USA WASTE's or its successor's-in-interest collection vehicles delivering waste from in-County to be disposed at EI Sobrante shall utilize only that portion of Temescal Canyon Road between its intersection with I-15 and the landfill access road for all trips (both inbound and outbound), except in the event of a closure of the on/off ramps at Temescal Canyon Road and I-15.

**Status:** This condition was met in 2021. The landfill operator has implemented this mitigation measure similarly to Mitigation Measure T-4. A sign has been installed at the intersection of Dawson Canyon Road and Temescal Canyon Road to clearly indicate to drivers leaving the landfill that no right turn is allowed and to indicate the landfill operator's commitment to enforce this restriction. When a driver is observed not using the designated route and the specific truck number or hauling company *cannot* be identified, WM and/or third-party hauling operations are notified of the violation and a general request is made to the drivers in that fleet to correct the behavior. If a driver is observed not using the designated route and the specific truck number or hauling company *can* be identified, WM and/or third-party hauling operations are notified of the violation and a request is made to correct the behavior, with repeat violations by a driver resulting in disciplinary action up to and including refusal of entry to the site. There were no complaints filed with EI Sobrante regarding this condition in 2021.

17. Wherever feasible, temporary earthen or landscape berms, or other structures or measures, shall be utilized to reduce potential noise and glare impacts on surrounding residents from nighttime activities at the working face of the landfill. Any measures implemented for this purpose shall be subject to annual review by the Citizen Oversight Committee.

**Status:** This condition was met in 2021. The landfill phasing has been restructured to increase the distance and minimize the potential for any audible impact of filling activities on surrounding neighbors. During a portion of 2021, it was not feasible to provide complete visual screening of operations from all surrounding communities due to the location of active filling (near outside slopes) and the height of the landfill. However, impacts on these neighborhoods from night glare are significantly reduced due to their sight distance from the landfill, and because all outdoor lighting at the landfill, both permanent and portable, is shielded and directed toward the ground and/or working face. Following detailed discussion between USA Waste and RCDWR in 2014/2015, it was concluded that it would not be feasible to provide complete shielding of filling operations at all times. However, landfilling operations were modified beginning in 2016 and continuing throughout 2020 such that the outside slope areas were filled first thereby allowing operations to work behind a soil covered, trash filled berm thus eliminating visual exposure to the communities. Finally, a series of measures were taken to provide additional partial shielding, including rotating the working face so that only the smaller dimension of the working face “rectangle” was directed to the outer slope, more immediate placement of cover soil at locations to block visibility, and the use of litter fencing. In addition, all fill sequencing activities at the higher elevations have been modified to create a visual berm from which to work behind and/or rotated to minimize visual impacts. There were 0 noise complaints related to nighttime operations received in 2021. According to the Supplemental EIR (certified by BOS in 2009) and the Addendum to the Final EIR (considered by BOS in 2012), no significant impacts relating to the landfill’s nighttime activities were identified.

18. USA WASTE or its successor-in-interest shall include the County in all aspects of the Section 7 Consultation and Streambed Alteration processes and shall work cooperatively with the County in developing the final agreement with the appropriate federal and state agencies that will allow a portion of the trust fund monies to be used to satisfy other County obligations or goals related to multi-species habitat acquisition and management.

**Status:** This condition was met in 2021. As party to the Implementing Agreement for the approved HCP, the County of Riverside has been and will be included in all aspects of future permitting processes involving USFWS, CDFW, USACE, and/or RWQCB.

- 19a. In the event any official or employee for USA WASTE or its successor-in-interest or any environmental or design professional hired by USA WASTE or its successor-in-interest, is indicted by a grand jury, named as a defendant in a felony complaint filed in any court in the United States, or is otherwise alleged to have participated in any criminal activity directly or indirectly associated with the solid waste management business, activities or operations of USA WASTE or its successor-in-interest, USA WASTE or its successor-in-interest shall provide notice thereof to the County within 7 days of such indictment, complaint or allegation. Such notice shall contain a description of the indictment, complaint or allegation, as well as a copy of such indictment or complaint or other matters of public record related thereto. In addition to the foregoing, USA WASTE or its successor-in-interest shall provide the County with copies of any reports required to be prepared by USA WASTE or its successor-in-interest pursuant to federal securities laws, including quarterly and annual reports.

**Status:** USA Waste has no such matters to report.

In the event any official or employee for USA WASTE or its successor-in-interest or any environmental or design professional hired by USA WASTE or its successor-in-interest, who has direct responsibility for any phase of the development or operations at El Sobrante Landfill, including but not by way of limitation, any similar personnel for USA WASTE or its successor-in-interest having a responsibility for transferring or delivering waste to the Project, is convicted, indicted by a Grand Jury, or named as a defendant in a felony complaint filed in the Superior Court or a complaint filed in Federal Court associated with conduct of doing business for USA WASTE or its successor-in-interest, this person shall upon written request from the County be immediately removed from any assignment whatsoever, directly associated with the development or operation of the El Sobrante Landfill during the pendency of trial and/or following conviction.

**Status:** USA Waste has no such matters to report.

- b. In the event any director, official or employee of USA WASTE or its successor-in-interest ever is convicted of a felony associated with the solid waste management business, said director, official or employee will be immediately terminated.

**Status:** USA Waste has no such matters to report.

- 20a. Within three (3) years of the Start Date, 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.

- b. 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 re-evaluate the feasibility of using alternative fuels in transfer trucks. Such re-evaluations shall be at least every three (3) years. USA WASTE or its successor-in-interest shall, however, conduct such a re-evaluation anytime deemed appropriate by the County.

**Status:** A feasibility study was performed in 2019 (see Appendix). The report concluded that transfer trucks capable of using alternative fuels are technologically and economically feasible. The 2019 study identified the new ISX12N engine produces the minimum required power and torque in daily transfer operations and thus, can meet payload and road grade requirements. Further, the new engine is now certified to CARB's optional low NOx standard (OLNS) at 0.02 g NOx/bhp-hr, meaning it can provide this power and torque at near-zero emission levels.

As of January 1, 2021, USA Waste has retired all diesel transfer trucks and 100% of the transfer trucks owned and operated by USA Waste going to El Sobrante are now being delivered via natural gas transfer trucks. USA Waste will continue to evaluate this mitigation measure in future reports.



22. The Administrative Review Committee (formed pursuant to Section 13 of the Second El Sobrante Landfill Agreement) shall have the following functions:
- a. Review and approval of minor changes to the landfill site plan and/or project plan which are exempt under the California Environmental Quality Act (CEQA). Changes to the landfill site plan and/or project plan that require revisions to the landfill's operating permits or that require additional CEQA analysis must be reviewed and approved by the Board of Supervisors and the appropriate regulatory agencies.
  - b. Review Mitigation Monitoring Reports submitted by USA WASTE or its successor-in-interest.
  - c. Require USA WASTE or its successor-in-interest to submit additional information regarding performance at the landfill for review.
  - d. Solicit and consider input received from the Citizens Oversight Committee.
  - e. Solicit input from technical experts necessary to perform the review.
  - f. Within 60 days of its annual meeting, the Administrative Review Committee will submit an annual report to the Board of Supervisors and the Citizens Oversight Committee regarding the conformance status of USA WASTE or its successor-in-interest with the conditions imposed on the project. A copy of the Annual Status Report is to be made available for public review at accessible locations.

**Status:** In 2021, the ARC reviewed the 2020 Annual Status Reports, solicited comments from the COC, and the report was filed with the BOS in December 2021.

- 23a. 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, along Temescal Canyon Road between the landfill access road and the intersection of Interstate 15 (I-15) and Temescal Canyon Road.
- b. 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 or complaint.

**Status:** This condition was met in 2021 and is substantially the same as Mitigation Measure A-7. Litter control and removal is addressed in the JTD, approved by CalRecycle. Consequently, it is closely monitored by the LEA. In 2021, USA Waste performed litter control, cleanup and inspection on these road segments in accordance with the schedule provided in the mitigation measure.

No violations were recorded during 2021 by the LEA for the landfill or for the landfill access road in regard to litter. Temescal Canyon Road, like many roads in Riverside County, has been the subject of illegal disposal activity. During negotiations with the BOS regarding the First Amendment to the Second Agreement, the landfill operator agreed to increase the scope of its off-site litter removal activities to better meet the needs of the community.

Litter control and removal is an on-going task, and during 2021, El Sobrante Landfill continued to allot a minimum of 16 person-hours per week to the clean-up of litter and debris.

USA Waste sponsors about 8 miles along I-15 through the Caltrans Adopt-a-Highway program. The El Sobrante Landfill recently changed its Adopt-a-Highway cleanup work from a bi-weekly practice to a weekly one to improve service quality along the I-15. El Sobrante will continue to clean the adopted sections of I-15 utilizing 3<sup>rd</sup> party resources.

***Completed Conditions of Approval:*** The requirements in the following conditions have been met, and no further action/review is needed. The completed conditions are shown in a gray font and are displayed for historical reference only.

21. USA WASTE or its successor-in-interest shall consult with Caltrans regarding the length of the left turn lane on the southbound off ramp from I-15 to Temescal Canyon Road. The length of the left turn lane shall be sufficient to assure that trucks in the left turn lane do not interfere with vehicles in the right turn lane of the off ramp.

**Status:** This condition was met in 2003.

# **El Sobrante Landfill 2021 Mitigation Monitoring Program Status Report**

**Prepared By:  
USA Waste of California, Inc.**

**Draft June 2022  
Final August 2022**

# Report on Status of Mitigation Monitoring Program (MMP)

## Aesthetics (A) Mitigation Measures

### 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 Riversidian sage scrub consistent with native vegetation in nearby undisturbed areas of the Gavilan Hills to minimize visual impacts to surrounding views. (Responsible Agencies: USFWS, CDFW)

#### **Status:**

The approved Habitat Conservation Plan (HCP) negotiated with the US Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) details a phased closure and restoration plan utilizing native species. Reports detailing compliance with the HCP, to include the Riversidian Sage Scrub (RSS) restoration plan, are prepared annually and are available upon request.

RSS restoration of 151.5 acres has taken place on closed landfill Phases A, B1, B2, C1, and C2 in addition to the berms for Phases 8, 10, 11, and 12 and Pond 4. The Phases 8, 10, and 11 berms, Phase A and Phase B1-north have met the RSS success criteria and are now classified as Self-sustaining RSS. RSS restoration sites are monitored and weeded regularly each year to control weeds and promote habitat for both plant and animal species. Monitoring results are submitted to the Habitat Management Committee (HMC) on an annual basis. If it is determined by the Biological Monitor and the HMC that less than the required vegetation cover is present, the reasons for the low cover values will be evaluated (i.e., low rainfall, adverse soil conditions, or other factors that cannot be anticipated), and recommendations for remedial measures, if feasible, will be made (HCP, D-34).

In 2021, Phase C2 was seeded. Phase C2 is 10.1 acres. To address the issue of bare spots on the south-facing slopes, fertilizer was added to 16 acres of under-performing RSS patches.

### A-2

Development shall be phased such that only approximately 20 acres are disturbed at any one time. Riversidian sage scrub restoration activities shall be similarly phased. (Responsible Agencies: RCDWR, LEA)

#### **Status:**

Landfill development, along with closure and restoration, is phased to comply with this measure and is implemented in accordance with the Implementing Agreement, dated July 2001, for the approved HCP that was entered by USFWS, CDFW, USA Waste, and Riverside County.

Starting in late 2020 and continuing into 2021, Phase 13B (approximately 19 acres) was cleared in preparation for excavation activities.

### A-3

Landfill-associated facilities and structure exteriors (including rooftops) and signage shall be of a color consistent with the surrounding area. (Responsible Agencies: RCEDA)

**Status:**

The new additional landfill gas flare No. 4, permitted and approved by the County, was constructed in 2021. The flare architecture was designed and constructed to be a color consistent with the surrounding area, and therefore blends to the habitat around it. The landfill owner/operator will continue to implement this measure for any and all future facilities, structures, and signage.

**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. (Responsible Agencies: LEA, CALRECYCLE)**

**Status:**

The final post-closure plan will include this measure. At this time, the approved HCP contains the same requirement with a caveat to leave approved structures in place, if desired, for the ongoing monitoring and maintenance of the habitat preserve.

**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. (Responsible Agencies: LEA)**

**Status:**

Outdoor lighting, both permanent and portable, is shielded and directed towards the ground and/or working face while maintaining safe operations during the night hours. In 2021, there were no complaints registered with the LEA regarding lighting nor any complaints received directly.

**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. (Responsible Agencies: LEA)**

**Status:**

The landfill phasing has been restructured to increase the sight distance and minimize the potential for any visual impact of filling activities on surrounding neighbors.

In 2021 active landfilling was performed only within Phase 12. While building outside slope areas during 2021, El Sobrante stockpiled cover soil near the outside slope so that it can be deployed as rapidly as possible to reduce visual impacts of the working face. Finally, a series of measures were taken to provide additional partial shielding, including rotating the working face so that only the smaller dimension of the working face "rectangle" was directed to the outer slope, more immediate placement of cover soil at locations to block visibility, and the use of litter fencing.

Impacts on these neighborhoods from night glare are significantly reduced due to their sight distance from the landfill, and because all outdoor lighting at the landfill, both permanent and portable, is shielded and directed toward the ground and/or working face. Following detailed discussion between USA Waste and RCDWR in 2014/2015, it was concluded that it would not be feasible to provide complete shielding of filling operations at all times.

#### **A-7**

**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.**

**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. (Responsible Agencies: LEA, CALRECYCLE)**

#### ***Status:***

Litter control and removal is addressed in the Joint Technical Document (JTD), approved by CALRECYCLE. Consequently, it is closely monitored by the LEA. In 2021, USA Waste performed litter control, cleanup and inspection on these road segments in accordance with the schedule provided in the mitigation measure.

No violations were recorded during 2021 by the LEA for the landfill or for the landfill access road in regard to litter. Temescal Canyon Road, like many roads in Riverside County, has been the subject of illegal disposal activity. During negotiations with the BOS regarding the First Amendment to the Second Agreement, the landfill operator agreed to increase the scope of its off-site litter removal activities to better meet the needs of the community. Condition 23.a. of the approved Conditions of Approval (Exhibit "F" of the Second Amendment) was revised to read as follows:

23.a. 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.

Litter control and removal is an on-going task, and during 2021, El Sobrante Landfill continued to allot a minimum of 16 person-hours per week to the clean-up of litter and debris.

In addition, the First Amendment to the Second El Sobrante Landfill Agreement, approved on July 1, 2003, requires the following:

In order to provide more focused assistance with the problem of illegal dumping on private property, USA WASTE or its successor-in-interest will provide one roll-off bin per quarter in the Spanish Hills area and one roll-off bin per quarter in the Dawson Canyon area for private property owners in those areas. Costs associated with transportation and disposal of waste deposited in the bins will be borne by USA WASTE, with the understanding that the private property owners will bear the responsibility of depositing waste in the bins.

During 2021, Waste Management continued to exceed the Spanish Hills and Dawson Canyon roll-off bin schedule and transported and disposed of trash contained within the two roll-off bins on a monthly basis.

USA Waste sponsors about 8 miles along I-15 through the Caltrans Adopt-a-Highway program. The El Sobrante Landfill recently changed its Adopt-a-Highway cleanup work from a bi-weekly practice to a weekly one to improve service quality along the I-15. El Sobrante will continue to clean the adopted sections of I-15 utilizing company resources.

## **Air Quality (AQ) Mitigation Measures**

### **AQ-1**

**The following activities shall occur based on SCAQMD Rule 1150.1 - Control of Gaseous Emissions from Active Landfills:**

- Landfill gas collection and thermal destruction systems shall be provided and operated.
- 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).
- A network of landfill gas monitoring probes shall be installed to identify potential areas of subsurface landfill gas migrations.
- 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.
- 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.
- Annual emissions testing of inlet and exhaust gases from the landfill gas destruction system shall be conducted to evaluate gas destruction efficiency.
- The gas collection system shall be adjusted and improved based on quarterly monitoring and annual stack testing results. (Responsible Agencies: LEA, SCAQMD)

### ***Status:***

The purpose of mitigation measure AQ-1 is to minimize fugitive landfill gas (LFG) emissions from the landfill, because methane produced in the landfill comprises approximately 50 percent of LFG and is a significant contributor to greenhouse gas (GHG). To minimize excess air infiltration and fugitive LFG emissions and to achieve greater gas collection efficiencies than were required by regulations in place at the time the Draft EIR (1994) and Final EIR (1996) were under review for the Expansion Project (specifically, Code of Federal Regulation [CFR], Title 40, Part 258, "Subtitle D" and SCAQMD Rule 1150.1, April 5, 1985 version), the mitigation measure was written to include a provision for a landfill gas barrier layer in the intermediate cover and final cover system, which was considered the best available control technology to reduce infiltration and emissions.

Since 1996, more stringent regulations governing the installation of LFG collection and control systems and LFG monitoring have been enacted (specifically, CFR, Title 40, Part 60, Subpart WWW ([www.ecfr.gov](http://www.ecfr.gov)); California Code of Regulations [CCR], Title 17, "AB 32" ([www.leginfo.ca.gov](http://www.leginfo.ca.gov)); CCR, Title 27; and SCAQMD Rule 1150.1, as revised 1998, 2000, and 2011 ([www.aqmd.gov](http://www.aqmd.gov)), and better extraction technologies have been implemented (i.e., better flares, better understanding of collection efficiencies, enhanced monitoring systems, and development of economically-feasible LFG-to-energy facilities). Quarterly monitoring and

reporting to the SCAQMD indicates that El Sobrante complies with these requirements and standards and the goal of AQ-1 without placing a landfill gas barrier in the intermediate cover and final cover system (2020 Rule 1150.1 Annual Report included in Appendix). The landfill also conducts an annual emissions test of the onsite flare.

As allowed by Condition of Approval 5 of BOS-approved Conditions of Approval (Exhibit "F" of Second Agreement), the landfill operator may substitute specified materials, design, system or action as may be required by the project providing that such material, design, system or action complies with all applicable Federal, State, and local regulations and is approved by any Federal, State or local regulatory agency having jurisdiction and the General Manager of the Riverside County Department of Waste Resources (RCDWR). A third party technical report was prepared that confirmed the landfill's current LFG collection and control system is preferred over the installation of a LFG barrier.

### **AQ-2**

**The following activities shall occur based on SCAQMD Rule 403 - Fugitive Dust:**

- **Emission controls necessary to assure that dust emissions are not visible beyond the landfill property boundary shall be implemented.**
- **New cell construction and cell closure activities shall not occur simultaneously.**
- **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.**
- **Rule 403 Fugitive Dust Emissions Control Plan shall be revised on an annual basis. (Responsible Agencies: LEA, SCAQMD)**

### ***Status:***

Dust control measures are being implemented in accordance with this mitigation measure and the landfill's SCAQMD-approved Rule 403 Large Operation Notification and subsequent annual No Change Notification. It should be noted that subsequent to approval of the Expansion EIR, Rule 403 requirements changed, and the landfill operator is no longer required to revise the Fugitive Dust Control Plan on an annual basis ([www.aqmd.gov](http://www.aqmd.gov)).

### **AQ-3**

**The following mitigation measures exceed current regulatory requirements and shall be incorporated by design, construction, and operation:**

- **PM<sub>10</sub> monitoring stations and an onsite meteorological station shall be installed and operated, as agreed in consultation with the SCAQMD.**
- **Where feasible, landfill roads shall be paved.**
- **Portions of paved roads abutting unpaved haul truck traffic areas shall be routinely swept and/or washed.**
- **Onsite vehicles shall be routinely maintained. (Responsible Agencies: LEA, SCAQMD)**

### ***Status:***

This mitigation measure is implemented on an ongoing basis. The site has installed a meteorological station and conducts PM10 monitoring as part of construction activities. PM10 monitoring was conducted in 2020 and 2021 for excavation activities for Phase 13 (see Monitoring Report in Appendix). All paved surfaces are routinely swept, with supplemental



sweepings added on a more frequent basis as dictated by weather conditions. All unpaved haul roads are watered as needed. All heavy equipment is maintained on a 250 operating hour interval, and all heavy trucks (e.g., roll-off trucks) undergo annual exhaust opacity testing as required by SCAQMD.

#### **AQ-4**

**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:**

- **Washing of truck wheels.**
- **Routing paved access roads away from directions that result in property boundary impacts.**
- **Curtailing specific activities (e.g., new phase construction) when conditions are unfavorable for fugitive PM<sub>10</sub> control. (Responsible Agencies: LEA, SCAQMD)**

#### ***Status:***

This mitigation measure has not been triggered, because PM<sub>10</sub> levels were not exceeded in 2021. A copy of the PM<sub>10</sub> report is included in the Appendix.

#### **AQ-5**

**The following activities would occur based on SCAQMD Regulation XIII - New Source Review:**

- **Control devices for stationary emission sources shall be provided which satisfy BACT requirements.**
- **NOx, ROG, SOx, and PM<sub>10</sub> emissions from stationary sources shall be offset according to SCAQMD requirements for essential public services. (Responsible Agencies: SCAQMD)**

#### ***Status:***

Landfill emissions are analyzed on an annual basis to ensure that the landfill is operating within permitted threshold limits. An annual emission report is submitted to SCAQMD and the RCDWR to ensure compliance with this mitigation measure. A copy of the annual emission report is on file and available at the offices of SCAQMD and the landfill operator (see Appendix)

#### **AQ-6**

**The following activity shall occur based on SCAQMD Regulation XIV - Toxics and Other Noncriteria Pollutants:**

- **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. (Responsible Agencies: SCAQMD)**

#### ***Status:***

Landfill emissions from all sources are analyzed on an annual basis to ensure that the landfill is operating within permitted threshold limits. See Mitigation Measure AQ-5 above.

#### **AQ-7**

**Onsite vehicles shall be routinely maintained. (Responsible Agencies: SCAQMD)**

**Status:**

Routine maintenance of onsite vehicles and equipment is performed to ensure compliance with this mitigation measure.

**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. (Responsible Agencies: SCAQMD)**

**Status:**

All diesel fuel used at the facility is low sulfur fuel with a sulfur content of less than 0.05% by weight, which is the only fuel available in California. Routine maintenance of equipment would include engine tuning to reduce emissions.

**AQ-9**

**Construction equipment shall be fitted with the most modern emission control devices. (Responsible Agencies: SCAQMD)**

**Status:**

All heavy equipment operated at the facility by USA Waste is fitted with the manufacturer's specified emission control devices for the period the equipment was manufactured. As equipment is routinely maintained, the most current available upgrades to the emission control systems are installed on the equipment in compliance with the California Air Resources Board (CARB) requirements. Third party construction equipment operated at the facility is also required to meet CARB requirements.

**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. (Responsible Agencies: SCAQMD)**

**Status:**

The site is in compliance with this measure.

**AQ-11**

**Prior to construction and construction/operation activities, the following pre-monitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:**

- **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.**
- **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.**

**During construction and construction/operation activities, the following post-monitoring measures shall be implemented to avoid or lessen boundary concentrations of NO<sub>2</sub>:**

- **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.

- 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.
- 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).
- Construction scheduling will be slowed to reduce daily equipment usage.
- Hours of construction with designated pieces of equipment (e.g., scrapers) shall be constrained to occur outside of peak adverse meteorological conditions. (Responsible Agencies: LEA, SCAQMD)

***Status:***

NO<sub>2</sub> monitoring was conducted during excavation for Phase 13 cell construction in 2020 and 2021. The report is included in the Appendix. The overall conclusion was there was no significant impact to the fence line concentration or offsite receptors.

**AQ-12**

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. (Responsible Agencies: RCDWR)

***Status:***

The initial evaluation report was submitted with the 2004 Annual Report. The report indicated that alternatively fueled engines with sufficient power ratings for a transfer truck application were not available at that time. The insufficient power issue in a transfer truck application was not overcome in continuing studies through 2015, making it infeasible for USA Waste to implement this requirement at that time. A new evaluation report, reviewed by the SCAQMD, was performed in 2019. The 2019 study identified the new ISX12N engine produces the minimum required power and torque in daily transfer operations and thus, can meet payload and road grade requirements. Further, the new engine is now certified to CARB's optional low NO<sub>x</sub> standard (OLNS) at 0.02 g NO<sub>x</sub>/bhp-hr, meaning it can provide this power and torque at near-zero emission levels. As of January 1, 2021, USA Waste has retired all diesel transfer trucks and 100% of the transfer trucks owned and operated by USA Waste going to El Sobrante are now being delivered via natural gas transfer trucks. USA Waste will continue to evaluate this mitigation measure in future reports.

### **AQ-13**

**The project shall provide the required emission reductions of NO<sub>x</sub> and ROG sufficient to cause no net increase of project emissions. (Responsible Agencies: SCAQMD, RCDWR)**

#### ***Status:***

The "Annual 2021 Mitigation Monitoring Program Status Report, Air Quality Mitigation Measure AQ-13, El Sobrante Landfill, Corona, California", prepared by SCS Engineers and dated September 30, 2020, provides both a summary of the site's emission inventory for stationary, mobile, and construction sources and a summary of the emission increases, or reductions, from the various site emission sources from the baseline year of 2001 to the 2021 projected emissions (included in Appendix). Based on the report's results, it is forecast that there will be an emission reduction of 781.1 lbs/day for NO<sub>x</sub> and 13.4 lbs/day for ROG. These reductions are achieved by the use of transfer trucks in place of packer trucks. No emission offsets were required for 2021, and the project is in compliance with this mitigation measure.

### **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. (Responsible Agencies: RCDWR)**

#### ***Status:***

Site Policies and Procedures have been amended to enforce the "no idle longer than 15 minutes" mitigation measure.

## **Biological Resources (B) Mitigation Measures**

### **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 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. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

#### ***Status:***

Phased development, closure and restoration are being performed in accordance with the Implementing Agreement, dated July 2001, for the approved El Sobrante Landfill HCP that was entered into by USFWS, CDFW, USA Waste, and Riverside County. New cell development excavation continues to be minimized as much as operationally possible and monitored by biological consultants to ensure that appropriate preserve/excavated ratios are maintained. During 2003, the expansion phases were redesigned to facilitate expansion and soil stockpiling activities. A minor modification request was formally submitted to USFWS and CDFW in May 2004 to re-phase the grading plan, increasing the number of phases from 15 to 17.

In 2021, the construction of Phase 13B continued. The many-stemmed dudleya plants from Phase 13B were transplanted into plots in the Preserve in January 2021.

### **B-2**

**Areas within the landfill limits of disturbance shall be restored with Riversidian sage scrub 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. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

***Status:***

Refer to “Status” under Mitigation Measure B-1.

**B-3**

**Dudleya salvaging and restoration shall be performed in accordance with the Multiple Agreement, both dated July 2001, and any approved modifications or amendments thereto. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

***Status:***

Dudleya salvaging and restoration is being performed by the Habitat Manager (Mariposa Biology), in accordance with the Dudleya Restoration Plan, prepared pursuant to the approved HCP. The goal of the HCP is to replace impacted Dudleya at a 1:1 ratio through salvage, propagation, and translocation.

In January 2021 the 2,087 many-stemmed dudleya plants from Phase 13B were planted in 60 new plots in the North Preserve. These plots were created in soil that was brought from Phase 13B to support the dudleyas. Of the 2,087 dudleya’s planted, only 547 plants were visible when counted a month later.

In 2021, there were 8,660 many-stemmed dudleya plants in the mitigation sites compared to 20,384 many-stemmed dudleya plants counted in the mitigation sites in 2020. The difference from 2020 to 2021 is explained by rainfall. 2020 had 17 inches of rain and 2021 had 4 inches. The drop in numbers does not necessarily mean that the mitigation population has decreased. The dudleya’s are underground and alive as corms (bulbs), but if it does not rain very much they emerge from underground in low numbers. Most of the dudleya’s did not emerge in 2021 and could not be counted as they were not visible. The number of seedlings is also much higher in wet years than in drought years and this also contributed to the decrease. Additional mitigation projects have been implemented and will continue to be implemented to increase the number of many-stemmed dudleyas in the mitigation sites until the 1:1 mitigation ratio is met.

**B-4**

**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. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

**Status:**

From 2002, when construction of the landfill expansion project began, no wetland/riparian areas identified in the EIR (Phase 15, now 17) have been impacted. This mitigation measure has not been triggered for any grading or construction related to the landfill.

In 2021 there were no impacts to streambeds.

**B-5**

**Activities to mitigate the disturbance to wetlands may include, but are not limited to:**

- **Identification and assessment of sites and specific riparian mitigation measures along Temescal Wash.**
- **Enhancement of degraded areas within existing channels.**
- **Weed removal to improve existing riparian habitat.**
- **Potential purchase of offsite riparian habitat.**

**(Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

**Status:**

Any wetland compensation plan developed in the future as a result of implementing Mitigation Measure B-4 will incorporate measures such as those noted in Mitigation Measure B-5.

In 2021, 0.54-acre restoration site was planted for impacts to the Phase 13B unvegetated channel.

**B-6**

**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:**

- **Proximity to landfill site.**
- **Similarity of adjacent habitat.**
- **Management plans.**
- **Comparability.**
- **Sustainability.**
- **Cost. (Responsible Agencies: USFWS, CDFW, ACOE)**

**Status:**

Any wetland compensation plan developed in the future because of implementing Mitigation Measure B-4 will be developed in negotiation with the resource agencies.

**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. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB)**

**Status:**

Wetland/riparian habitat mitigation will be implemented in accordance with an approved plan and upon issuance of all approvals and/or permits from these resource agencies.

**B-8**

**Landfill personnel shall be instructed as to the requirement for and importance of restoration of completed areas of the site. (Responsible Agencies: USFWS, CDFW)**

**Status:**

El Sobrante Landfill management personnel and the habitat manager work closely together on issues related to the restored RSS on the closed landfill slopes, and as a result landfill personnel are aware of the importance of the restoration site. This importance of protecting the restoration sites is explained to landfill workers working near the restored RSS slopes and this promotes the protection of the restoration sites.

**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 *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. (Responsible Agencies: RCDWR)**

**Status:**

USA Waste is in compliance with this measure. In September 2018, an amendment to the Deed Restriction was recorded, and in November 2018 the Board of Supervisors approved the Amended and Restated Conservation Easement. No amendments or revisions to the Deed Restriction or Conservation Easement were made in 2021.

**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. (Responsible Agencies: RCDWR)**

**Status:**

For calendar year 2021, approximately \$3,399,026.85 was collected from out-of-county waste imports and conveyed to the Executive Office for Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) funding. No portion of the out-of-County fee that is allocated for multi-species habitat acquisition and management is utilized to fund the El Sobrante Landfill HCP. The County maintains entire discretion over the trust fund, which is currently being utilized to fund a major portion of the MSHCP. USA Waste (or its successors-in-interest) is entirely responsible for funding and carrying out its obligations under the approved HCP for the El Sobrante Landfill. While the Expansion EIR and the Landfill Agreement require \$1.00 per ton of out-of-County waste to be utilized for MSHCP habitat acquisition, the Board of Supervisors

approved an additional \$.50/ton for out-of-county waste to be allocated from out-of-county fees for MSHCP acquisition when the project was approved by the Board on September 1, 1998. The mitigation measure (B-10) was updated to reflect the \$1.50 when the MMP was adopted in 2009 as part of the Supplemental EIR.

#### **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. (Responsible Agencies: RCDWR)**

#### ***Status:***

The circumstances cited in this measure have not occurred.

#### **B-12**

**Lighting at the working face shall be downcast and shielded to minimize reflection, and shall be directed inward toward the landfill. (Responsible Agencies: RCDWR)**

#### ***Status:***

All outdoor lighting, both permanent and portable, is shielded and directed toward the ground and/or working face in accordance with this mitigation measure.

#### **B-13**

**A predator monitoring and control plan shall be implemented 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. (Responsible Agencies: USFWS, CDFW)**

#### ***Status:***

Wildlife control measures that include the following have been incorporated in the approved HCP and are being implemented by the Habitat Manager in accordance with the Implementing Agreement:

- Cowbird trapping to avoid parasitism during the breeding season of the California Gnatcatcher and Least Bell's Vireo. Cowbird trapping implemented in 2021 resulted in a total of 4 cowbirds being trapped, with 3 being females.
- Monitoring for the occurrence of Argentine ants and fire ants, and implementation of control measures that are based on methods prescribed by County and State agencies and approved by the Management Committee. Implementation of the measures must be consistent with the terms of the incidental take permits. No Argentine or fire ants were noted in the Preserve in 2021.
- Monitoring for the presence of domestic pets and feral cats, and implementation of trapping or other appropriate actions to limit the effects on these animals on Covered Species in Conserved Habitat and in undisturbed habitat in the Landfill Area. There were no problems with domestic pets or feral cats in 2021.

#### **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 *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. (Responsible Agencies: USFWS, CDFW)**

**Status:**

Brush clearing began in November 2020 for Phase 13B and was completed by February 1, 2021.

**B-15**

**When the landfill expansion is complete (i.e., after closure of all phases and at the end of the post closure monitoring maintenance period [currently a minimum of 30 years]), including all restoration activities 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, 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 conservation's 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. (Responsible Agencies: RCDWR)**

**Status:**

As noted, this mitigation measure will not be triggered until after the post-closure period of approximately 30 years beyond closure of all phases of the landfill expansion project.

**B-16**

**USA Waste or its successor-in-interest shall continue to include the County in all aspects of future permitting 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. (Responsible Agencies: RCDWR)**

**Status:**

These conditions were met in 2021. As party to the Implementing Agreement for the approved HCP, the County of Riverside has been and will be included in all aspects of future permitting processes involving USFWS, CDFW, ACOE, and/or RWQCB.

## **Cultural Resources (C) Mitigation Measures**

**C-1**

**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. (Responsible Agencies: RCPD)**

**Status:**

In 2021, there were no impacts to cultural resources.

## **C-2**

**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. (Responsible Agencies: RCPD)**

### ***Status:***

Pre-impact archaeological surveys have been conducted by RPA archaeologists in order to identify previously recorded resources and to identify new resources in expansion areas prior to any disturbance activities. The area in the vicinity of these sites will be monitored by a RPA certified archeologist on a semi-annual basis while performing routine tasks outlined in mitigation measure C-3 below.

## **C-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. (Responsible Agencies: RCPD)**

### ***Status:***

USA Waste has arranged for coordination of efforts between the site biologist and the RPA certified archaeologist. This is because the site biologist undertakes ongoing efforts to monitor the landfill property in accordance with the Multiple Species Habitat Conservation Plan. One element of that monitoring is "access control", to prevent "livestock grazing, hunting, off-road vehicle (OHV) use, illegal dumping, hiking and horseback riding." Fundamentally, "access control" is the goal of MM C-3. Through this professional coordination, the ongoing activities of the site biologist combined with the activities of the archaeologist meet and exceed the requirements of MM C-3. Additionally, site personnel are present each working day and observe site conditions on an ongoing basis.

In 2021, archaeologists visited the sites in February and July (see Reports in Appendices).

## **C-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. (Responsible Agencies: RCPD)

***Status:***

No human remains or burial artifacts have been recovered during subsurface testing or during grading. Therefore, this mitigation measure has not been triggered. However, should human remains or burial artifacts be discovered, proper protocol procedures will be followed.

**C-5**

**The approved archaeological mitigation measures shall be affixed to all copies of the project grading plans. (Responsible Agencies: RCEDA)**

***Status:***

The approved archaeological mitigation measures will continue to be affixed to all future copies of project grading plans in accordance with this mitigation measure.

**Geology, Soils and Seismicity (G) Mitigation Measures**

**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. (Responsible Agencies: RCEDA, LEA, RWQCB, CALRECYCLE)**

***Status:***

All cell designs are engineered based on seismic stability analyses and subject to review and approval of the RWQCB. Likewise, all building plans must comply with all applicable building standards and are submitted to Riverside County for review and permitting.

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

***Status:***

All final exterior waste fill slopes are a more conservative 2.7:1 with benches every 50 vertical feet. Interim slopes are constructed at 3:1 per RWQCB guidelines.

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

All stability analyses are included in the Joint Technical Document (JTD) reviewed and approved by the RWQCB. The JTD, revised March 2018, incorporated an updated seismic stability analysis of the landfill's liner system.

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

All stability critical structures within the footprint of the landfill are designed to the 1.5 factor of safety.

**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 CALRECYCLE requirements for the identified maximum probable earthquake peak acceleration. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

All cut, fill, and waste slopes are designed by an engineering firm to comply with regulatory requirements.

**G-6**

**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). (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

This mitigation measure is implemented as it is stated.

**G-7**

**Slope buttresses shall be provided, if necessary, to increase slope stability and reduce deformations. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

The need for a slope buttress or berm is based on an approved landfill cell design and corresponding slope stability analysis. This measure will continue to be implemented for the construction of stability berms in the future.

**G-8**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

Compliance with this mitigation measure is documented in the Construction Quality Assurance As-Built Reports for each specific landfill phase that is constructed.

**G-9**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

A post-earthquake and routine inspection plan was submitted to the RWQCB and CALRECYCLE in 2008 and incorporated in the approved JTD, revised March 2018. The plan has been designed to include integrity inspections of structures, slopes and the landfill's integrated systems following an earthquake. In 2021, there were no earthquakes that triggered implementation of this mitigation measure. However, El Sobrante Landfill staff currently inspects slopes and structures for maintenance issues including signs of settlement and fissures on a weekly basis.

**G-10**

**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 licensed engineer and submitted to the County Engineering Geologist for approval. (Responsible Agencies: RCPD)**

**Status:**

Blasting occurred in 2021 when geotechnical investigation revealed the need for blasting to occur as part of the excavation for Phase 13A cell construction. El Sobrante complied with this mitigation measure at that time by submitting excavation plans to the County Engineering Geologist, who with concurrence from the Riverside County Department of Waste Resources, determined that a blasting study was not necessary.

**G-11**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

**Status:**

No installation of subdrains occurred in 2021. This measure will continue to be implemented at the El Sobrante Landfill during cell construction when these conditions are encountered and will continue to comply with this mitigation measure.

**G-12**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

***Status:***

El Sobrante has constructed and continuously maintains a surface drainage network system to prevent erosion over the slopes of the landfill, which consists of piping, v-ditches, berms, check dams, sand bags, and silt fences.

**G-13**

**Structural fills shall be built above ground water and compacted in place to a specific high relative density. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

***Status:***

No structural fills were constructed in 2021.

**G-14**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

***Status:***

All fill materials have been tested prior to fill placement and documented in a Construction Quality Assurance As-Built Report submitted to the regulatory agencies.

**G-15**

**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. (Responsible Agencies: RCPD)**

***Status:***

The blasting that occurred during Phase 13A construction was performed in compliance with all building code requirements. This measure will continue to be implemented at the El Sobrante Landfill when blasting is required for cell development.

**G-16**

**Only state-licensed blasters shall be used to design, supervise, and detonate explosives on the site. (Responsible Agencies: RCPD)**

***Status:***

Jacob Peter Drilling & Blasting, a fully licensed and permitted company, performed blasting operations at the landfill in 2021.

**G-17**

**Seismic monitoring of each blast shall be conducted by an independent, qualified consultant. (Responsible Agencies: RCPD)**

***Status:***

Seismic monitoring was identified in the Blasting Plan. The Blasting Plan is attached to the sample notification letter and included in the Appendix.

**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. (Responsible Agencies: RCPD)**

***Status:***

Explosives are not stored on the site of the landfill.

**G-19**

**USA Waste shall inform the Riverside County Sheriff's Department (Sheriff's Dept.) and the Riverside County Fire Department (Fire Dept.) prior to blasting. (Responsible Agencies: RCPD)**

***Status:***

An Explosives Permit was obtained from the Riverside County Sherriff's Department prior to blasting.

**G-20**

**USA Waste shall notify neighbors within 1,000 feet of potential blasting areas prior to a blasting episode. (Responsible Agencies: RCPD)**

***Status:***

Not applicable for the 2021 blasting activity as there are no neighbors within 1,000 feet of the blasting areas.

**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. (Responsible Agencies: RCBSD)**

***Status:***

Blasting records are kept by USA Waste as required, and are available 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. (Responsible Agencies: RCPD)**

***Status:***

Not applicable for the 2021 blasting activity as there are no neighbors within 1,000 feet of the blasting areas.

**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. (Responsible Agencies: RCPD)**

**Status:**

A notification letter was sent to residents within a one-half mile radius of the landfill operations. A sample of the notification letter is included in the Appendix.

**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. (Responsible Agencies: RCPD, RCBSD, LEA)**

**Status:**

No complaints were received as a result of the 2021 blasting operations.

**Land Use and Land Use Plans (L) Mitigation Measures**

**L-1**

**The development of El 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. (Responsible Agencies: RCDWR, RCPD)**

**Status:**

While there have been changes over time to conceptual grades based on updated seismic stability analysis, the El Sobrante Landfill continues to be developed in overall accordance with the Expansion Project first approved by the BOS in 1998 and with its SWFP and corresponding JTD, last revised in 2018. There have also been changes over time to the conceptual limits of grading for the landfill expansion project, both onsite and offsite. In 2011, Pond 4 was relocated to primarily disturbed land purchased by USA Waste outside the original landfill boundary. In conformance with the Expansion Project, the development of this ancillary facility and all future offsite grading will not exceed the approximately 11 acres of offsite grading assessed in the EIR. The relocation of Pond 4 resulted in a substantial reduction of impacts to RSS, a sensitive plant species, when compared to RSS impacts at the original (undisturbed) location. In addition, the relocation allowed for continued preservation of rock outcrops in the area of the original location, which serve as important habitat for sensitive plants and animals. The original location of Pond 4 will be conserved and managed as part of the El Sobrante Landfill Preserve.

A revision to the grading limits was proposed in 2015 and was approved by the BOS and CalRecycle in 2018 as part of the AEIR and JTD Amendment respectively. The change in the limits of grading resulted in an overall reduction in the area of disturbance for the landfill and ancillary facilities.

**L-2**

**Prior to any offsite grading, USA Waste or its successor-in-interest shall obtain and record appropriate offsite easements. (Responsible Agencies: RCDWR)**

**Status:**

Offsite grading, requiring offsite easements, was not conducted in 2021.



**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. (Responsible Agencies: County Board of Supervisors)

***Status:***

The Citizen Oversight Committee (COC) was formed by the BOS in 2003 and meets throughout the year as needed to discuss issues related to the use of the Mitigation Trust, illegal dumping and programs, and landfill operations.

**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. (Responsible Agencies: County Board of Supervisors)

***Status:***

The COC met in 2021 to review the Annual Status Reports and provided comments.

**Noise (N) Mitigation Measures**

**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:

- a) The conveyor belt system shall not be located less than 295 feet from occupied residences; and,
- b) Excavation and liner construction of new cells within 10 feet of the top of slope shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday.

(Responsible Agencies: LEA)

***Status:***

All activities involving the use of the conveyor belt were completed in 2012. The conveyor belt system has been removed and is no longer in use. Excavation of Phase 13A was started in 2020 and continued into 2021, and was limited to these specific hours.

**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. (Responsible Agencies: LEA)

***Status:***

In compliance with this mitigation measure, El Sobrante Landfill limits its hours when working on outside slopes with landfill equipment.

**N-3**

**Construction equipment shall use industrial-grade mufflers to reduce noise emission. (Responsible Agencies: LEA)**

***Status:***

Only construction equipment with industrial-grade mufflers to reduce noise emission will be utilized at the landfill.

**N-4**

**Blasting shall be postponed during temperature inversions and unfavorable wind conditions (wind blowing toward residences). (Responsible Agencies: RCPD)**

***Status:***

The blasting that occurred during 2021 cell construction conformed to this measure.

**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. (Responsible Agencies: RCPD)**

***Status:***

The blasting that occurred during 2021 cell construction conformed to this measure.

**N-6**

**Acoustic blankets shall be used around drilling operations to reduce potential drilling noise. (Responsible Agencies: RCPD)**

***Status:***

This mitigation measure requires that acoustic blankets be used when drilling associated with blasting occurs. The blasting that occurred during 2021 cell construction conformed to this measure.

**N-7**

**Wherever feasible, temporary earthen or landscape berms, or other structures or measures, shall be utilized to reduce 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. (Responsible Agencies: LEA)**

***Status:***

This mitigation measure is addressed to construction activities only. No construction activities occurred in 2021 at nighttime. With respect to operations, even though not expressly addressed in the mitigation measure, the landfill phasing has been restructured to increase the distance and minimize the potential for any audible impact of filling activities on surrounding neighbors. Therefore, impacts on these communities from noise are significantly reduced due to their distance from the landfill. There were no noise complaints related to nighttime operations received in 2021. According to the Supplemental EIR (certified by BOS in 2009) and the Addendum to the Final EIR (considered by BOS in 2012), no significant impacts relating to the landfill's nighttime activities were identified.

## **Paleontological Resources (P) Mitigation Measures**

### **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. (Responsible Agencies: RCPD)**

#### ***Status:***

El Sobrante Landfill has maintained compliance with this mitigation measure since the 1998 approval of the Expansion Project by the Riverside County BOS by retaining a qualified paleontologist to monitor any excavation activities within the Silverado Canyon or Lake Mathews formations. No excavations in these formations were conducted in 2021.

### **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. (Responsible Agencies: RCPD)**

#### ***Status:***

No paleontological resources were uncovered during excavation or earthmoving activities during 2021.

### **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. (Responsible Agencies: RCPD)**

#### ***Status:***

Since no significant paleontological resources have been uncovered, this mitigation measure has not been triggered.

### **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. (Responsible Agencies: RCPD)**

#### ***Status:***

Since no significant paleontological resources have been uncovered, this mitigation measure has not been triggered.

### **P-5**

**The approved paleontological mitigation measures shall be affixed to all copies of the project grading plans. (Responsible Agencies: RCEDA)**

**Status:**

The approved paleontological mitigation measures will continue to be affixed to all future copies of project grading plans in accordance with this mitigation measure.

**Traffic and Circulation (T) Mitigation Measures**

**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. (Responsible Agencies: RCDWR, LEA)**

**Status:**

El Sobrante Landfill has maintained compliance with this mitigation measure with the cooperation of the RCDWR, who monitors and provides waste origin data. USA Waste's contracts for out of County waste include a requirement to comply with all applicable conditions of the Second Agreement. The RCDWR scale house attendants have the authority to reject any deliveries not in compliance with this Mitigation Measure. In 2015, RCDWR and USA Waste formally agreed on the variety of specific types of trucks that define "transfer trucks" and a procedure for refusing admittance by non-conforming vehicle types.

Minor amounts of non-contracted waste from public customers or small commercial haulers may enter from time to time, as allowed by the RCDWR scale attendants.

**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 permitted without additional environmental review and approval. (Responsible Agencies: RCDWR, LEA)**

**Status:**

USA Waste has not contracted for the receipt of waste from counties other than the ones listed in this mitigation measure. As the operator of the landfill scale house, RCDWR allows out of County waste to enter the landfill and is the entity responsible for jurisdictional reporting. In conversations with Riverside County staff, it is the understanding of USA Waste that it is the policy of Riverside County to allow incidental volumes of waste from any jurisdiction to be disposed of at a County facility to avoid or minimize illegal dumping.

**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. (Responsible Agencies: RCDWR, RCTD)**

**Status:**

The 1996 Final EIR and 2009 Supplemental EIR for the landfill project found no significant traffic impact on SR 91 at any number of transfer truck trips. However, USA Waste agreed to a mitigation measure to avoid the use of SR 91 in Riverside County during peak hours.

It is not feasible to guarantee that transfer trucks (trucks) will never use SR 91 in Riverside County during peak hours, especially when traffic conditions can cause unexpected delays (i.e., accidents, breakdowns, lane closures, weather-related incidents, construction, etc.) Regardless,

USA Waste has implemented measures to ensure that significant impacts from Out-of-County (OOC) truck operations during peak hours on the SR 91 in Riverside County do not occur.

This includes implementing 24-hour operations, including a prohibition on peak hour use of SR 91 in customer contracts. In February and September 2021, USA Waste also provided notification to both USA Waste facilities and non-USA Waste OOC facilities to utilize off-peak hours. Verification of transmittal of these notifications will be provided on a confidential basis to County Counsel. Furthermore, extensive residential growth has occurred since the expansion EIR was prepared, leading to greater traffic congestion on both SR 91 and I-15. As a direct consequence, truck operators have been forced to adjust their travel to avoid peak commute times as a prudent business practice.

During 2015, RCDWR and USA Waste conducted an extensive analysis of peak hour traffic on SR 91, using different methodologies to calculate peak hour vehicle trips. Using the more conservative assumptions from that analysis made by RCDWR, the Riverside County Transportation Department undertook a study to evaluate impacts and concluded that it would require a minimum of 40 AM peak hour and 375 PM peak hour trips to bring a freeway segment to an unacceptable level, triggering a significant impact. Current and anticipated SR 91 peak hour trips are substantially below these thresholds.

RCDWR analyzed peak hour trucks *assuming* that every customer that could conceivably use SR 91 during peak hour periods did so. While this is highly unlikely, it does represent a worst-case scenario. Based on this analysis, the RCDWR estimated that in 2021, there could have been approximately 10 daily AM peak hour trips and 3 daily PM peak hour trips.

As the significance threshold determined by the Riverside Transportation Department is substantially greater than actual or potential worst-case peak hour trips analyzed, it is concluded that peak hour truck traffic trips on SR 91 in 2020 did not create a significant impact.

USA Waste has continued efforts to reduce peak hour trips on SR 91 in 2021. In 2021, USA Waste had sent reminder notifications to all USA Waste facilities and other facilities that send waste to El Sobrante Landfill. USA Waste's Geo-fence data revealed a yearly total of 63 peak hour trips by USA Waste-owned vehicles in 2021 on SR 91, 68 peak hours 2020, 80 peak hour trips in 2019, 0 peak hour trips in 2018, 16 peak hour trips during 2017, 19 peak hour trips in 2016 and 20 peak hour trips during 2015.

During 2021, 30 of the 63 total peak hour infractions were 2 minutes or less which indicates these vehicles were leaving SR91 during peak hours. In total, 55 infractions were during the AM. The decrease in 2021 was a significant improvement compared to 2019, and USA Waste remains in substantial compliance of this mitigation measure.

While this mitigation measure addresses utilizing SR 91 during off-peak hours, please see the El Sobrante Landfill Avoidance of Peak Hour Traffic plan referenced in Section 5(b) of the Transportation Department Conditions of Approval (included in 2015 Annual Report Appendices). This plan is a collaboration of efforts by USA Waste and RCDWR and provides a comprehensive demonstration of the strategies and effectiveness in avoiding waste deliveries during peak hours.

#### **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 I-15. (Responsible Agencies: RCDWR, RCTD)**

#### ***Status:***

El Sobrante Landfill requires all transfer trucks to utilize the designated route for deliveries of waste. USA Waste notified all out-of-county and in-county transfers stations that the designated route was I-15 to Temescal Canyon Road, then north on Temescal Canyon Road to Dawson Canyon Road. A sign has been installed at the intersection of Dawson Canyon Road and Temescal Canyon Road to clearly indicate to drivers leaving the landfill that no right turn is allowed and to indicate the landfill operator's commitment to enforce this restriction. When a driver is observed not using the designated route and the specific truck number or hauling company cannot be identified, WM and/or third party hauling operations are notified of the violation and a general request is made to the drivers in that fleet to correct the behavior. If a driver is observed not using the designated route and the specific truck number or hauling company can be identified, WM and/or third party hauling operations are notified of the violation and a request is made to correct the behavior, with repeat violations by a driver resulting in disciplinary action up to and including refusal of entry to the site. There were no complaints filed with El Sobrante regarding this condition in 2021.

#### **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 I-15. (Responsible Agencies: RCDWR, RCTD)**

#### ***Status:***

The landfill operator has implemented this mitigation measure similarly to Mitigation Measure T-4. A sign has been installed at the intersection of Dawson Canyon Road and Temescal Canyon Road to clearly indicate to drivers leaving the landfill that no right turn is allowed and to indicate the landfill operator's commitment to enforce this restriction. When a driver is observed not using the designated route, WMI hauling operations are notified of the violation and a request is made to correct the behavior. When a driver is observed not using the designated route and the specific truck number or hauling company cannot be identified, WM and/or third party hauling operations are notified of the violation and a general request is made to the drivers in that fleet to correct the behavior. If a driver is observed not using the designated route and the specific truck number or hauling company can be identified, WM and/or third party hauling operations are notified of the violation and a request is made to correct the behavior, with repeat violations by a driver resulting in disciplinary action up to and including refusal of entry to the site. There were no complaints filed with El Sobrante regarding this condition in 2021.

## **Public Services and Utilities (U) Mitigation Measures**

### **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. (Responsible Agencies: RCTD)**

***Status:***

El Sobrante Landfill is in compliance with this mitigation measure.

### **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. (Responsible Agencies: RCTD)**

***Status:***

El Sobrante Landfill has placed multiple speed limit and caution signs at strategic points along the access route to the landfill to indicate the presence of slow-moving traffic in compliance with this mitigation measure. In addition, the County has placed a sign on Temescal Canyon Road identifying the location of the landfill.

### **U-3**

**Upon assignment of a numbered street address by the County, the project entrance shall be clearly marked with address numbers. (Responsible Agencies: RCTD)**

***Status:***

El Sobrante Landfill is in compliance with this mitigation measure. The landfill entrance is well marked by many signs and monumentation. Address numbers are posted on the mailbox at the project entrance.

### **U-4**

**Buildings shall be constructed with fire retardant roofing material as approved by the County Fire Department. (Responsible Agencies: RCEDA)**

***Status:***

There has been no new activity in this regard during 2021.

### **U-5**

**Water mains and fire hydrants providing required fire flows shall be constructed subject to approval by the County Fire Department. (Responsible Agencies: RCFD)**

***Status:***

No new water service applications were submitted in 2021.

### **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. (Responsible Agencies: RCFD)**

**Status:**

El Sobrante Landfill developed and submitted a fire management plan to the Fire Department in 2003. This plan is implemented pursuant to El Sobrante HCP and Implementing Agreement and monitored by the Habitat Manager. Construction of two additional water storage tanks (140K gallon and 40K gallon) and pump upgrades were completed in 2007 to increase the water supply at El Sobrante for potential fire mitigation. The Fire Department has received a dedicated hook-up to each of the new tanks. A water storage tank was constructed in 2019 at the new maintenance facility and approved by the Fire Department.

**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. (Responsible Agencies: LEA)**

**Status:**

El Sobrante Landfill equipment operators assigned to night operations receive weekly training on safety within the landfill, inclusive of maintaining proper lighting while operating in other than daylight conditions. All operator training is documented, with records maintained on site.

**U-8**

**Portable lights shall be used at the working face to provide a safe working environment during nighttime operations. (Responsible Agencies: LEA)**

**Status:**

El Sobrante Landfill is in compliance with this mitigation measure.

**U-9**

**The landfill access road and onsite roads to the working face shall be equipped with reflectors, reflective cones, reflective barriers and signs. (Responsible Agencies: LEA)**

**Status:**

El Sobrante Landfill is in compliance with this mitigation measure.

**U-10**

**Public access to the landfill shall be restricted to the hours of 6:00 a.m. to 6:00 p.m. (Responsible Agencies: LEA)**

**Status:**

El Sobrante Landfill is in compliance with this mitigation measure.

**U-11**

**Installation of low flow toilets, faucets, and showers. (Responsible Agencies: RCEDA)**

**Status:**

El Sobrante Landfill is in compliance with this mitigation measure.

**U-12**

**Wastewater shall go to the Lee Lake Treatment Facility, which makes water available for reuse. (Responsible Agencies: RCDWR, RCEHA)**



**Status:**

The active landfill requires potable, non-potable or reclaimed water, and wastewater handling in its operations. Potable water to the active landfill and also non-potable or reclaimed water is currently provided by the Temescal Valley Water District (TVWD), and wastewater generated at the landfill is currently handled onsite, with gray water from restroom facilities routed into an onsite septic system approved by Riverside County and leachate and condensate collected for dust control purposes via a LCRS, pursuant to approvals from the RWQCB.

In order for wastewater from the landfill to go to the Treatment Facility to ensure that the landfill does not exceed its onsite capacity and allow for its reuse, as well as to consolidate services under one purveyor, the landfill property had to be annexed into the service area of the TVWD, which is the only purveyor able to meet the entire needs of the landfill for not only wastewater collection, treatment, and reuse/disposal, but also for potable and non-potable water. Applications for an annexation and Sphere of Influence (SOI) amendment were filed with the Riverside County Local Agency Formation Commission (LAFCO) in late summer 2010. On March 24, 2011, the LAFCO Board approved the annexation and SOI amendment. LAFCO's Notice of Results, including signed resolutions, were filed with and recorded by the State Board of Equalization in May and June of 2011, finalizing the decision.

As of 2021, TVWD has not started construction of wastewater lines, however TVWD did complete construction of a new non-potable reservoir/supply in 2016. In October 2019, TVWD provided notification identifying that sewer line connections are not currently available for the landfill property.

## **Water Resources (W) Mitigation Measures**

### **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 regular basis. (Responsible Agencies: RCFCD, RWQCB, LEA)**

**Status:**

At a minimum, El Sobrante Landfill supervisors inspect and maintain all drainage structures (including ditches, sedimentation basins/storm water retention basins and drainage piping) within the site on a monthly basis. Routine maintenance and cleaning of drainage structures was completed in 2021. This task is part of the supervisors' regular responsibility and serves to facilitate compliance with this mitigation measure.

### **W-2**

**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. (Responsible Agencies: RCFCD, RWQCB)**

**Status:**

El Sobrante Landfill employs a dedicated environmental engineer, environmental protection specialist, and retains consulting specialists to provide testing and monitoring of all drainage components within the landfill as required by State and Local regulatory agencies. There were two qualifying sampling events during 2021 per the requirements contained in the Industrial General Permit for Storm Water Discharges (Water Quality Order No.2014-0057-DWQ). No

samples were outside of holding times. Both events on December 14 and 30, 2021 produced samples from two discharge locations. All samples were reported on the Stormwater Multiple Application and Report Tracking System (SMARTS). See appendix for the 2021 Annual Drainage System Maintenance Report. In 2021, exceedances occurred for parameters listed within the Pollution Source Assessment. In response, the site has implemented additional BMPs and other control measures. On March 21, 2019 and December 12, 2019, the Santa Ana Regional Water Quality Control Board approved the site's Notice of Non-Applicability (NONA) Technical Reports which include a total of 17 NONA basins and an underground storage chamber. Due to the approved NONA coverage and closed vegetative areas of the landfill no longer discharging industrial stormwater, two sampling outfalls remain at the facility.

### **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. (Responsible Agencies: RWQCB)**

#### ***Status:***

El Sobrante Landfill is in compliance with this mitigation measure. A revised SWPPP was prepared in December 2020, by SWT Engineering and the plan was uploaded to SMARTs. Best Management Practices (BMPs) are included within the plan. The SWPPP is located in the Appendix.

### **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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

#### ***Status:***

El Sobrante Landfill has received approval from the RWQCB to utilize leachate collected via the LCRS for dust control on lined portions of the landfill based upon testing results, as directed by the RWQCB staff. LCRS information is reported annually in the fall and winter semi-annual groundwater report to satisfy the requirements of the RWQCB, as specified in the landfill's Waste Discharge Requirements (WDR), dated September 16, 2016. According to the Fall 2020-Winter 2021 Semi-Annual Groundwater Monitoring Report and Annual Reporting Requirements, prepared by SCS Engineers and dated April 30, 2021, the LCRS recovered leachate from five (5) LCRS locations in the landfill. From October 2020 to March 2021, a total of approximately 561,271 gallons of leachate were collected and used for dust control. The leachate control systems are inspected weekly, and annual leachate samples were collected in October 2020 and results were reported in the referenced report. The use of leachate, as approved by the RWQCB, as the responsible agency, is in compliance with this mitigation measure.

### **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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

#### ***Status:***

El Sobrante Landfill is in compliance with this mitigation measure. As a BMP, a Diversion Structure (berm) is constructed at the toe of the active face over lined portions of the landfill to

collect contact water that may come into contact with refuse and prevent co-mingling with storm water. This water is then allowed to infiltrate and collected as leachate, which is used for dust control. These berms, when utilized, are observed monthly for adequacy and maintained accordingly. This condition rarely occurs due the predominately dry conditions at El Sobrante.

#### **W-6**

**Drainage improvements shall be designed and constructed to provide all-weather access to the landfill. (Responsible Agencies: RCTD, RCFCD)**

#### ***Status:***

El Sobrante Landfill is in compliance with this mitigation measure.

#### **W-7**

**To reduce the quantity of water used, the following measures shall be implemented:**

- **Low-flow plumbing fixtures shall be installed for onsite facilities.**
- **Washwater for cleaning equipment at the operations and maintenance center shall be collected and recycled, and reused for washing or dust control.**
- **Stormwater that falls on the active working face of the landfill shall be collected and used for dust control. (Responsible Agencies: RCEDA)**

#### ***Status:***

El Sobrante Landfill is in compliance with this mitigation measure. A berm is constructed at the toe of the active face over lined portions of the landfill to collect contact water that may come into contact with refuse and prevent co-mingling with storm water. This water is then allowed to infiltrate and collected as leachate, which is used for dust control.

#### **W-8**

**The liner system for the expansion of El Sobrante shall meet the following requirements:**

- **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.**
- **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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE)**

#### ***Status:***

El Sobrante Landfill is in compliance with this mitigation measure.

#### **W-9**

**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. (Responsible Agencies: LEA, RWQCB, CALRECYCLE, SCAQMD)**

***Status:***

A LFG Collection and Control System (GCCS) has been in operation at the El Sobrante Landfill since 1993. The GCCS currently consists of approximately 392 vertical, horizontal and SVE extraction wells that are placed under vacuum via a piping network that extracts the LFG from the waste mass and conveys the LFG to two Zink Ultra Low Emissions flares. The LFG system is continually adjusted to minimize LFG impacts to the environment. In 2021, USA Waste installed the second Zink Ultra Low Emissions flare adjacent to the existing flare. In addition, USA Waste decommissioned 1 well and brought 77 new wells online, bringing the total number of active wells up to 392. This was to capture LFG from the recent waste lifts placed in Phase 12 and additional extraction in Phase 8. USA Waste also installed over 21,000 linear feet of lateral and header vacuum lines to connect to the new wells and convey the extracted gas to the flare station.

**W-10**

**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 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). (Responsible Agencies: LEA, RWQCB)**

***Status:***

El Sobrante Landfill is in compliance with this mitigation measure.

**W-11**

**In accordance with applicable regulations, landfill gas shall be monitored at the landfill perimeter and in the vadose zone. (Responsible Agencies: LEA, RWQCB, SCAQMD)**

***Status:***

El Sobrante Landfill has sixteen (16) permanent perimeter gas probes (GP) with multiple completions in its approved monitoring network. The probes are monitored and reported in accordance with applicable regulations to ensure that landfill gas does not migrate off the landfill site. All 16 probes are spaced no more than 1,000 feet apart around the perimeter of the landfill in static locations. The probes are routinely tested and monitored on a quarterly basis by landfill staff and reported to the LEA. The LEA may also perform its own testing of random probes during their regular monthly inspections of the landfill and/or may monitor landfill staff's quarterly testing of the probes. If excess levels are detected during quarterly monitoring, regulations require that the LEA be immediately notified by the landfill operator and that each immediate notification be followed up with a letter from the landfill within 7 days. Whenever excess levels are detected, the site immediately takes all steps necessary to reduce methane levels and to protect public health and safety and the environment. On March 3, 2021, the LEA (along with CalRecycle) issued a violation for gas monitoring and control as part of the agencies inspection on 2/22/21. This issue continued and additional violations were issued on 3/15/21, 4/27/21, and 5/26/21. After tuning the flares, adding addition wells, and SVE wells, the gas well 24 was below the methane limit of 5%.

**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. (Responsible Agencies: LEA, RWQCB)**

***Status:***

El Sobrante Landfill has implemented a "point of compliance" ground water monitoring program consisting of sixteen (16) ground water monitoring wells and two ground water piezometers, in compliance with CCR Title 27 and as approved by the RWQCB. Quarterly monitoring reports are provided to the RWQCB, and copies are maintained on site. All monitoring activities in 2021 were in compliance with RWQCB requirements.

**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. (Responsible Agencies: LEA, RWQCB, SCAQMD)**

***Status:***

In 2021, there was no determination that leachate or landfill gas generated by the landfill posed any risk to ground water, and a corrective action plan has not been developed nor implemented. Prior to approval of the landfill expansion project in 1998, a corrective action plan was implemented in 1996 for apparent landfill gas impacts to ground water from the original landfill footprint. This plan was developed and implemented in conjunction with the RWQCB. On June 4, 2003, the RWQCB gave El Sobrante permission to turn off the ground water remediation system as the impacts appeared to have been mitigated. Monitoring continues to this day and in the event that impacts appear to return, El Sobrante Landfill will re-institute the mitigation measures.

**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:**

- **Such material, design, system or action complies with applicable Federal, State, and local regulations; and,**
- **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,**
- **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. (Responsible Agencies: RCDWR, LEA, RWQCB)**

***Status:***

The El Sobrante Landfill is in compliance with this mitigation measure.

**W-15**

**USA Waste or its successor-in-interest shall deposit 50 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. (Responsible Agencies: RCDWR)**

***Status:***

The balance of the Environmental Impairment Trust at the end of 2021 was \$3,188,017.80 The FY 21/22 cap is \$3,098,631.26. The El Sobrante Landfill is in compliance with this mitigation measure.

**W-16**

**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. (Responsible Agencies: RCDWR)**

***Status:***

El Sobrante Landfill did not withdraw any funds from this Trust in 2021.

**Tribal Cultural Resources (TR) Mitigation Measures**

**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. (Responsible Agencies: RCPD, Tribe)**

***Status:***

This mitigation measure has not been triggered. However, WMI will enter into an Agreement with the Tribe prior to impacts within the Phase 17 area. Impacts to the Phase 17 area are not expected to occur until approximately the year 2030 or beyond.

**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.). (Responsible Agencies: RCDWR, RCPD, Tribe)

***Status:***

In 2021, no cultural resources were discovered during ground disturbance activities or any landfill operation/development.

**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: (Responsible Agencies: RCDWR, RCPD, Tribe)

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.).

***Status:***

This mitigation measure has not been triggered; however, USA Waste will comply when applicable.

**2021 EL SOBRANTE ANNUAL REPORTS  
RED-LINED VERSIONS FOR REFERENCE**

Note: This section shows edits in preparation of the Final Reports that were made to the clean versions of the Draft Reports as reviewed by the ARC and COC.

In the Final Reports, edits to the Annual Monitoring Report and the Conditions of Approval Report involved minor typos/edits; as such, red-lined versions are not included.

The Mitigation Monitoring Report included changes the response for Mitigation Measure B-3.



**Sobrante Landfill and its Implementing Agreement, both dated July 2001, and any approved modifications or amendments thereto. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

**Status:**

Refer to "Status" under Mitigation Measure B-1.

**B-3**

**Dudleya salvaging and restoration shall be performed in accordance with the Multiple Agreement, both dated July 2001, and any approved modifications or amendments thereto. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**

**Status:**

Dudleya salvaging and restoration is being performed by the Habitat Manager (Mariposa Biology), in accordance with the Dudleya Restoration Plan, prepared pursuant to the approved HCP. The goal of the HCP is to replace impacted Dudleya at a 1:1 ratio through salvage, propagation, and translocation.

In January 2021 the 2,087 many-stemmed dudleya plants from Phase 13B were planted in 60 new plots in the North Preserve. These plots were created in soil that was brought from Phase 13B to support the dudleyas. Of the 2,087 dudleya's planted, only 547 plants were visible when counted a month later.

In 2021, there were 8,660 many-stemmed dudleya plants in the mitigation sites ~~in 2021~~ compared to 20,384 many-stemmed dudleya plants counted in the mitigation sites in 2020. The difference from 2020 to 2021 is explained by rainfall. 2020 had 17 inches of rain and 2021 had 4 inches. The drop in numbers does not necessarily mean that the mitigation population has decreased. The dudleya's are underground and alive as corms (bulbs), but if it does not rain very much they emerge from underground in low numbers. Most of the dudleya's did not emerge in 2021 and could not be counted as they were not visible. The number of seedlings is also much higher in wet years than in drought years and this also contributed to the decrease. There were 25,572 many-stemmed dudleyas removed from the landfill excavation phases by the end of 2021. Additional mitigation projects have been implemented and will continue to be implemented to increase the number of many-stemmed dudleyas in the mitigation sites until the 1:1 mitigation ratio is met.

**B-4**

**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. (Responsible Agencies: USFWS, CDFW, ACOE, RWQCB, RCDWR)**