

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder

FILED

JUN 10 2019



NO FEE

201985000554 9:37 am 06/10/19

381 304 Z01

0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

ORANGE COUNTY CLERK-RECORDER DEPARTMENT  
BY: [Signature] DEPUTY

Exempt per Govt. Code Section 6103



## NOTICE OF DETERMINATION

TO: COUNTY CLERK COUNTY OF ORANGE

Sent to OPR? Yes  
If yes, SCH Number:  
199041035

FROM: OC Waste &amp; Recycling, 300 N. Flower Street, Suite 400 Santa Ana, CA 92703

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: 2001 Prima Deshecha General Development Plan

Type of Environmental Document (ND, Addendum, EIR, Etc.)  
AddendumPreviously Certified or adopted? Yes  
If yes, date: Final EIR 575 - 11/6/01

Project Proponent or Applicant: OC Waste &amp; Recycling, 300 N. Flower Street, Suite 400 Santa Ana, CA 92703

Contact Person: John J. Arnau

Telephone: (714) 834-4107

Project Location: Prima Deshecha Landfill, 32250 Avenida La Pata, San Juan Capistrano, CA 92675

Project Description: The project is the General Development Plan for the Prima Deshecha Landfill. The Addendum to Final EIR 575 allows for a minor addition to Mitigation Measure 4.5-3d to identify wetland and riparian mitigation sites.

Notice is hereby given that the County of Orange as a

☒ Lead Agency has made the following determination on the  
above-described project. ☐ Responsible Agency

1. The project was approved by OC Waste & Recycling on June 3, 2019 (Date)

2. The project ☒ will have a significant effect on the environment.  
☐ will not have a significant effect on the environment.  
☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation Measures ☒ were incorporated into the project through conditions of approval and project design.  
☐ were not required.

4. For this project a Statement of Overriding Considerations was ☒ adopted.  
☐ not adopted.

5. Findings ☒ were made pursuant to CEQA Guidelines 15091 (Statement of Facts and Findings).  
☐ were not

6. A copy of Final EIR 575 and the record of the project approval is on file and may be examined at OC Waste & Recycling, 300 N. Flower Street, Suite 400, Santa Ana, CA 92703, phone: (714) 834-4107.

Signature: [Signature]Title: Administrative Manager IDate: June 10, 2019

Fish and Game Fee Finding: No Impact ND \$2,354.75 EIR \$3,271.00 Previously Paid Receipt No. 209290

POSTED

JUN 10 2019

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

DEPUTY

BY: [Signature]

30-2019-0536



State of California - Department of Fish and Wildlife

**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**

DFW 753.5a (Rev. 01/01/18) Previously DFG 753.5a

Attachment E

RECEIPT NUMBER:

30-2019 0536

STATE CLEARINGHOUSE NUMBER (If applicable)

199041035

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

OC WASTE &amp; RECYCLING

LEAD AGENCY EMAIL

DATE

06/10/2019

COUNTY/STATE AGENCY OF FILING

Orange

DOCUMENT NUMBER

201985000554

PROJECT TITLE

2001 PRIMA DESHECHA GENERAL DEVELOPMENT PLAN

PROJECT APPLICANT NAME

OC WASTE &amp; RECYCLING

PROJECT APPLICANT EMAIL

PHONE NUMBER

(714) 834-4107

PROJECT APPLICANT ADDRESS

300 N. FLOWER STREET, SUITE 400

CITY

SANTA ANA

STATE

CA

ZIP CODE

92703

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency☐ School District☐ Other Special District☐ State Agency☐ Private Entity

## CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,271.00

\$

0.00

☐ Mitigated/Negative Declaration (MND)(ND)

\$2,354.75

\$

0.00

☐ Certified Regulatory Program document (CRP)

\$1,112.00

\$

0.00

☐ Exempt from fee☐ Notice of Exemption (attach)☐ CDFW No Effect Determination (attach)☒ Fee previously paid (attach previously issued cash receipt copy)☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☐ County documentary handling fee

\$

0.00

☐ Other

\$

## PAYMENT METHOD:

☐ Cash☐ Credit☐ Check☐ Other

TOTAL RECEIVED

\$

0.00

SIGNATURE

AGENCY OF FILING PRINTED NAME AND TITLE

DIANNA VELASQUEZ, DEPUTY CLERK

FILED

NOV 06 2001

GARY L. GRANVILLE, Clerk-Recorder  
By [Signature] DEPUTY

POSTED Attachment E

NOV 06 2001

GARY L. GRANVILLE, Clerk-Recorder  
By [Signature] DEPUTY

## NOTICE OF DETERMINATION

TO: ☒ OFFICE OF PLANNING AND RESEARCH ☒ COUNTY CLERK  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814  
COUNTY OF ORANGE

FROM: County of Orange Integrated Waste Management Department

SUBJECT: Filing of Notice of Determination in Compliance with Section 21108 or 21152 or the Public Resources Code

CEQA Log #192  
BY: [Signature] DEPUTY  
ORANGE COUNTY CLERK-RECORDER DEPARTMENT

JUN 10 2019

POSTED

Project Title: 2001 Prima Deshecha General Development Plan	EIR/ND No. EIR 575
State Clearinghouse Number (If submitted to State Clearinghouse) 199041035	
Contact Person: Robert Richmond	Telephone: (714) 834-4337
Project Location: 32250 La Pata Avenue, San Juan Capistrano	
Project Description: The project provides for the effective management of multiple uses on the site, including solid waste disposal, regional park and recreational uses, and accommodation of key arterial highway and its extensions included in the adopted Master Plan of Arterial Highways.	

Notice is hereby given that the IWMD :: Regulatory Compliance Section has made the following determination on the above-described project:

- The project was approved by the Orange County Board of Supervisors on 11/6/01
- The project ☒ will ☐ will not have a significant effect on the environment.  
☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation Measures ☒ were ☐ were not incorporated into the project through conditions of approval and project design.
- For this project a Statement of Overriding considerations was ☒ adopted ☐ not adopted.
- A copy of the EIR or Negative Declaration and the record of the project approval is on file and may be examined at the Integrated Waste Management Department, 320 N. Flower Street, Suite 400, Santa Ana, California 92703. Regulatory Compliance Section (714) 834-4337.

NOTE: Exempt of County Fees per Government Code Section 6103.

Signature:

FILED

Date: November 6, 2001

Title:

Planner IV

JUN 10 2019

G:\GCR\_RC\CEQA\NOD\NOD for Prima 2001 GDP.doc

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: [Signature] DEPUTY

Page 3 of 11

Recorded in Official Records, County of Orange  
Gary Granville, Clerk-Recorder

200185001245 1:18pm 11/06/01

170 58 20-1  
0.00 850.00 0.00 0.00 0.00 0.00 0.00



STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
ENVIRONMENTAL FILING FEE CASH RECEIPT  
DFG 753.5a (6-01)

ORANGE COUNTY RECORDER  
GARY L. GRANVILLE

Finalization 20010000326954  
11/06/2001 01:18pm

170 58

Item	Title	Amount
1	Z02	850.00
Fish & Game: Env Impact Report		

DOC# 200185001245  
Time Recorded 01:18 pm

Total	850.00
Payment Type	Amount
House Charge	850.00

THANK YOU  
Please Retain This Receipt  
For Your Records.

Lead Agency: ICDMP

County / State Agency of Filing: O.C. Clerk-Recorder

Project Title: 2001 Prma Deschena GSDP

Project Applicant Name: ICDMP

Project Applicant Address: 320 N Flower St, Ste 400 SA

Project Applicant (check appropriate box):

Local Public Agency ☒

School District ☐

Private Entity ☐

Other Special District ☐

**CHECK APPLICABLE FEES:**

☒ Environmental Impact Report

☐ Negative Declaration

☐ Application Fee Water Diversion (State Water Resources Control Board Only)

☐ Projects Subject to Certified Regulatory Programs

☐ County Administrative Fee

☐ Project that is exempt from fees

Signature and title of person receiving payment: Shenee Nee

WHITE-PROJECT APPLICANT

YELLOW-DEVELOPER

PINK-LEAD AGENCY

GOLDENROD-STATE AGENCY OF FILING

TOTAL RECEIVED \$

850

FILED

JUN 10 2019

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: [Signature] DEPUTY

POSTED

JUN 10 2019

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: [Signature] DEPUTY

**Arnau, John [OCWR]**

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**From:** Arnau, John [OCWR]  
**Sent:** Monday, June 10, 2019 11:04 AM  
**To:** 'OPR State Clearinghouse'  
**Subject:** File NOD with SCR  
**Attachments:** OCWR NOD 687 to SCH.pdf

Attn: State Clearinghouse:

Attached is the Notice of Determination and proof of payment of California Department of Fish and Wildlife fees for Addendum No. 9 to Final EIR No. 575 for the Prima Deshecha Landfill General Development Plan – On-Site Riparian Mitigation for Future Zone 4 Landfill Development Area.

Please let me know if you have any questions or if you need any additional information.

Thank you.

John J. Arnau, CEQA Manager  
OC Waste & Recycling  
300 N. Flower Street, Suite 400  
Santa Ana, CA 92703  
Phone: (714) 834-4107  
Email: john.arnau@ocwr.ocgov.com





**TO:** File

**FROM:** Tom Koutroulis, Director

**SUBJECT:** **Approval of Addendum No. 9 to Final EIR No. 575 for the Prima Deshecha General Development Plan for On-Site Riparian Mitigation for Zone 4 (OC Waste & Recycling CEQA Log #687)**

**PROPOSED PROJECT:**

The Prima Deshecha Landfill is owned by the County of Orange and operated by OC Waste & Recycling. The landfill is a Class III municipal solid waste landfill that is located in the City of San Juan Capistrano. On November 6, 2001, the Orange County Board of Supervisors approved Final EIR No. 575 for the Prima Deshecha General Development Plan. Final EIR No. 575 analyzed the environmental impacts, and provided mitigation measures for, the Prima Deshecha General Development Plan. A minor addition to Final EIR No. 575 is required, as described in Addendum No. 8 to Final EIR No. 575 (attached). The purpose of this change is to implement on-site riparian mitigation that will provide full compensatory mitigation for the development of the Zone 4 landfilling area at Prima through buildout.

**AUTHORITY FOR ADMINISTRATIVE ACTION:**

The Director of OC Waste & Recycling, pursuant to the authority granted in OCCO Sections 4-3-104, 4-3-126, 4-3-137, and the Board adopted CEQA Procedures Manual (October 2014) Section III.E.8.e, takes the following administrative actions.

**CEQA APPROVAL:**

**Standards for Preparing an Addendum**

California Code of Regulations Title 14 ("CEQA Guidelines"), Section 15164 "Addendum to an EIR or Negative Declaration", states the following:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

- (e) A brief explanation of the of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

CEQA Guidelines Section 15162(a) "Subsequent EIRs and Negative Declarations", states the following:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

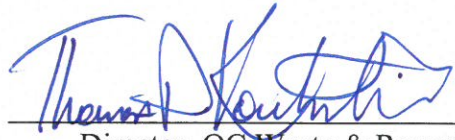
**Basis for Addendum**

On the basis of substantial evidence in light of the whole record, the proposed riparian mitigation at Prima will not result in any new significant environmental impacts that were not previously analyzed in Final EIR No. 575 or a substantial worsening of any significant environmental impacts that were previously analyzed in Final EIR No. 575. Therefore, in compliance with Section 15162 and 15164 of the CEQA Guidelines, the preparation of a Subsequent EIR is not required. The project makes only minor changes to the project as originally approved by the County of Orange on November 6, 2001. No new environmental conditions or circumstances have occurred that would make the analysis included within Final EIR No. 575 invalid, and all adopted mitigation measures remain enforceable.

**Certification**

I hereby certify that the subject project is approved.

Date: 6/3/2019

  
\_\_\_\_\_  
Director, OC Waste & Recycling



**Document:** Addendum No. 9 to Final EIR No. 575

**Project Name:** **Addendum No. 9 to Final EIR No. 575 for the Prima Deshecha Landfill General Development Plan for On-Site Riparian Mitigation for Zone 4**

**OC Waste & Recycling**

**Log #:** 687

### **Purpose and Content of Addendum**

The Prima Deshecha Landfill is owned by the County of Orange and operated by OC Waste & Recycling. The landfill is a Class III municipal solid waste landfill that is located in the City of San Juan Capistrano. On November 6, 2001, the Orange County Board of Supervisors approved Final EIR No. 575 for the Prima Deshecha Landfill General Development Plan. Final EIR No. 575 analyzed the environmental impacts, and provided mitigation measures for, the Prima Deshecha Landfill General Development Plan.

A minor addition to Final EIR No. 575, Section 4.5 Biological Resources, Mitigation Measure 4.5-3d, on page 4.5-35, is required, as included in the redline text below.

OCWR's On-site Nonwetland Creation Project provides compensatory mitigation for the loss of state jurisdictional waters associated with the long-term development of the future Zone 4 development area at the existing Prima Deshecha Landfill. The Habitat Mitigation and Monitoring Plan (HMMP) for the On-site Nonwetland/Riparian Creation Project will be implemented by a qualified restoration contractor under contract by OCWR and will consist of the following:

- OCWR shall create a total of 25,215 linear ft and 1.93 ac of new nonwetland drainages that will be excavated within the Landfill SOS area. Conceptually, each excavated drainage will be approximately 1–3 feet in depth with bank slopes at between 2:1 and 3:1, and shall be at least 3.33 ft wide (average ordinary high water mark width) to achieve an overall acreage of 1.93 ac. Exact configurations and sizes of these created drainages will be determined by the site engineer and/or contractor in coordination with OCWR based on topography, soil type, and other field conditions.
- To maintain existing functions and values (i.e., no net loss), the native and nonnative cover requirements within the created nonwetland drainages shall be greater than or equal to the existing conditions within the proposed impact areas. (Average existing conditions in impact areas: native species cover - 10%; nonnative cover - 80%; bare ground – 10%).
- OCWR shall hydroseed/handseed the specified seed mixes within the nonwetland creation area following container plant installation. At the discretion of the restoration ecologist and/or OCWR, depending upon site conditions, OCWR may also install specified container plants/cuttings within the nonwetland creation area.

- Maintenance of the nonwetland creation area will be for a minimum of 5 years or until the performance standards are achieved and RWQCB acceptance has been received.
- All created nonwetland drainages will be protected under the existing Landfill Supplemental Open Space Conservation Easement (Landfill SOS area).

### **Standards for Preparing an Addendum**

California Code of Regulations Title 14 (“CEQA Guidelines”), Section 15164 “Addendum to an EIR or Negative Declaration”, states the following:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

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  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR



was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

**Basis for Addendum**

On the basis of substantial evidence in light of the whole record, the proposed on-site riparian mitigation at Prima will not result in any new significant environmental impacts that were not previously analyzed in Final EIR No. 575 or a substantial worsening of any significant environmental impacts that were previously analyzed in Final EIR No. 575. Therefore, in compliance with Section 15162 and 15164 of the CEQA Guidelines, the preparation of a Subsequent EIR is not required. The project makes only minor changes to the project as originally approved by the County of Orange on November 6, 2001. No new environmental conditions or circumstances have occurred that would make the analysis included within Final EIR No. 575 invalid, and all adopted mitigation measures remain enforceable.