to these sites and because the significant effects of the Project (visual, traffic and PM_{10}) would not be avoided at the alternative out-of-County sites. Finally, the other two projects are not within the jurisdictional boundaries of Imperial County. The regional context of these two proposed projects, however, has been discussed throughout the Final EIS/EIR, particularly in the cumulative impact analysis. (Final EIS/EIR, p. 2-96; see also Final EIS/EIR, Response to Comments Nos. 164, 271, and 721.)

The Final EIS/EIR does not include the use of wet cell technology as an alternative because wet cell technology is not regularly accepted by permitting agencies and therefore is not considered a reasonable alternative to the Project at this time. (See Final EIS/EIR, Response to Comment No. 434.)

In sum, the County believes that the alternatives analysis it has prepared fully satisfies applicable legal requirements. (See Final EIS/EIR, Response to Comment No. 721.)

XI.
STATEMENT OF OVERRIDING CONSIDERATIONS

The Project will have the following significant, unavoidable, adverse environmental impacts:

- Visual impacts caused by landform alteration
- Cumulative traffic impacts caused by Project-related employee traffic on SR 78, in the vicinity of the Project site, from the afternoon before to the morning after weekends and/or holidays from October 1 through May 31.
- Cumulative air quality impacts caused by PM_{10} emissions during periods when background PM_{10} concentrations exceed air quality standards.
- In the immediate vicinity of the project a cumulative increase in the risk of train- and vehicle-related mortality of state or federally protected species.

(Final EIS/EIR, pp. 2-91 to 2-94.)

In addition, the Project, like any activity that results in a potential increase of train or vehicle traffic in an area in which a protected species is present, could contribute indirectly to a cumulatively significant potential increase in train-related or vehicle-related mortality of state or federally protected species.

The County has adopted all feasible mitigation measures with respect to these impacts. Although these mitigation measures will substantially lessen most of these significant impacts, the measures will not fully avoid these impacts.

Moreover, the County has examined a reasonable range of alternatives to the Project. Based on this examination, the County has determined that none of these alternatives both (1) meets project objectives as effectively as the Project, and (2) is, taken as a whole, environmentally preferable to the proposed Project, as regards those significant impacts that cannot be substantially lessened or avoided.

As a result, to approve the Project, the County must adopt a "statement of overriding considerations" pursuant to Public Resources Code section 21081, subdivision (b). It should be emphasized, however, that the County's adoption of a statement of overriding considerations with regard to a project's environmental impacts is not an "exemption" from any applicable environmental law or regulation. No lead agency can opt out of applicable State or Federal environmental regulations simply by invoking a statement of overriding considerations pursuant to CEQA. That mechanism merely allows a lead agency to cite a project's general economic, social or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been at least substantially mitigated. The statement explains why, in the agency's judgment, the project's benefits outweigh the unmitigated significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, the California or Federal Endangered Species Acts, the Federal Department of Transportation Act, or the National Historic Preservation Act) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions.

It should also be noted that CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse." (Pub. Resources Code, § 21068.) The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed. (See Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 206 [132 Cal.Rptr. 377].) Nevertheless, decision-makers benefit from information about project benefits. (See CEQA Guidelines, § 15093.)

The County finds that the Project's substantial environmental and economic benefits outweigh its impacts. Additional landfill capacity is needed to accommodate MSW generated within Southern California. There is no way to provide additional landfill capacity, however, without creating significant impacts of some sort. Thus, the question is which alternative provides the greatest benefits, at the most reasonable cost, and with the minimal environmental impacts.

From an environmental perspective, the Project site is remarkably well-suited for a regional landfill:

- The area is already disturbed by industrial activity. Thus, although the Project will have a significant impact on visual resources, this impact will be less severe than it would have been at another, pristine site. (Response to Comment No. 646.)

- Much of the infrastructure required for a regional landfill (e.g., water supply, electrical supply, transportation) is already in place.

- The climate is extremely arid. Precipitation averages three inches per year. (Final EIS/EIR, p. 3-29.) Evaporation potential is approximately 100 inches per year. (Final EIS/EIR, p. 3-34.) As a result, the potential for surface water runoff or the generation of leachate or landfill gas is minimized.

- The depth to groundwater is not less than 140 feet. (Final EIS/EIR, p. 3-34.) Basement rock beneath the landfill site is well consolidated. (Final EIS/EIR, p. 3-6.) Thus, even if leachate or LFG is not contained within the landfill itself, the risk that the leachate or LFG would reach groundwater is negligible.

- The Project's above-ground design does not require deep excavation. This configuration has the advantage of maintaining the depth to groundwater. In addition, this design allows the LCRS to drain by gravity along the 1% grade of the liner system, without the need for pumping during operations or the post-closure period. Thus, the above-ground design minimizes the risk of a release of leachate or LFG into the vadose zone or into the groundwater.

- Because of extensive analysis of the site performed in conjunction with the Mesquite Mine, the site is unusually well understood.

- Because of past mining activities, an ample supply of clay and overburden is readily available, without requiring transportation or its related impacts.

- The site is located adjacent to an existing main rail line.

- Vegetation and wildlife habitat in the area are generally of lower quality. The Project enables BLM to exchange this land for higher quality habitat that is contiguous to its existing holdings.

- The Project will allow communities within the South Coast Air Basin to dispose of MSW by train, rather than by long-haul truck or within the air basin, thus advancing the region's air quality goals.

- There are no sensitive receptors (e.g., residences) near the site.

MSW residue will continue to be generated, and a location must be identified for the disposal of that MSW residue. In light of these factors, it would be difficult to identify another site that is better suited for a regional landfill.

Moreover, the No-Project alternative is not environmentally preferable to the Project. In addition, the No-Project alternative fails to meet most of the project objectives. Neither the Smaller Landfill Footprint alternative nor the Decreased Disposal Rate alternative is environmentally

preferable to the Project, and neither meets the project objectives as effectively as does the Project. The Project is environmentally preferable to the landfill site alternative and the Larger Project alternative and meets more of the project objectives than do these alternatives.

In addition, the Project results in numerous beneficial impacts to the County. For example, the Project will create approximately 150 construction jobs and approximately 268 additional jobs at peak operations. (Final EIS/EIR, p. 4-153.) The Project will also generate approximately 658 construction-related and 65 long-term secondary jobs. (Final EIS/EIR, p. 4-154.) Many of these jobs would go to local workers. (Final EIS/EIR, p. 4-153.) Direct earnings of Imperial County residents are expected to total approximately $4.0 million for long-term operations and $1.9 million for initial construction. (Final EIS/EIR, pp. 4-153, 4-155 (Table 4-28).) The wages for these jobs will exceed the average wages per job for Imperial County. Because the County is currently experiencing an unemployment rate of approximately 24%, this benefit is considered extremely important to the fiscal health of the County. In addition, the Project will result in significant sales of goods and services within the County. (Final EIS/EIR, pp. 4-153, 4-156.)

The Project would generate revenues for Imperial County. These revenues will include property taxes, utility taxes, sales taxes, chargers for permitting and inspection services, licenses, and permit fees. These revenues will exceed costs incurred by the County in connection with the Project. (Final EIS/EIR, pp. 4-156, 4-158.)

The County finds that, on balance, the Project represents the best balance of cost, benefit, an minimized environmental impacts. The County finds that the Project minimizes the environmental impacts to the extent practicable, while still realizing the Project's benefits. Accordingly, the County finds that the Project's adverse, unavoidable, environmental impacts are outweighed by these considerable benefits.

Dated: September 6, 1995

Brad Luckey
Chairman, Board of Supervisors

Aridfnd2.doc

13769